



**ECCLESIASTICAL COMMITTEE  
OF TYNWALD  
FIRST REPORT FOR THE  
SESSION 2020-21**

**Draft Church (Miscellaneous  
Provisions) Measure (Isle of Man)**



**ECCLESIASTICAL COMMITTEE OF TYNWALD**  
**FIRST REPORT FOR THE SESSION 2020-21**  
**Draft Church (Miscellaneous Provisions) Measure (Isle of Man)**

The Committee was first created by the Church Assembly Act 1925, and is now established under the Church Legislation Procedure Act 1993 to consider and report to Tynwald on draft measures presented to it by the Legislative Committee of the Diocesan Synod.

*There shall be a Standing Committee of the Court on Ecclesiastical matters which shall discharge the functions prescribed for it by the Church Legislation Procedure Act 1993.*

*The Committee shall be composed of three Members.*

The powers, privileges and immunities relating to the work of a committee of Tynwald include those conferred by the Tynwald Proceedings Act 1876, the Privileges of Tynwald (Publications) Act 1973, the Tynwald Proceedings Act 1984, and by the Standing Orders of Tynwald Court.

### **Committee Membership**

Hon A L Cannan MHK (Ayre and Michael) (Chair)

Mrs M M Maska MLC

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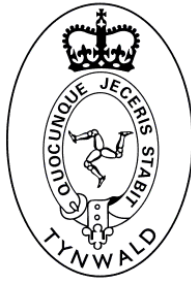
All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas, Isle of Man, IM1 3PW.



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To: The Hon. Stephen C. Rodan OBE MLC, President of Tynwald,  
and the Hon. Council and Keys in Tynwald assembled

**ECCLESIASTICAL COMMITTEE OF TYNWALD  
FIRST REPORT FOR THE SESSION 2020-21  
Draft Church (Miscellaneous Provisions) Measure (Isle of Man)**

**I. INTRODUCTION**

1. In accordance with the provisions of the Church Legislation Procedure Act 1993, the Legislative Committee of the Sodor and Man Diocesan Synod has presented the Draft Church (Miscellaneous Provisions) Measure (Isle of Man) (PP 2020/0169A) to the Ecclesiastical Committee of Tynwald for consideration.

**II. OBJECTIVE**

2. The main objective of the Draft Church (Miscellaneous Provisions) Measure (Isle of Man) is to extend to the Isle of Man three Measures of the General Synod:
  - a) the Ecumenical Relations Measure 2018;
  - b) the Church of England (Miscellaneous Provisions) Measure 2018;
  - c) the Church of England (Miscellaneous Provisions) Measure 2020.
3. The Draft Church (Miscellaneous Provisions) Measure (Isle of Man) may be found at Appendix 1.

4. An explanatory memorandum explaining the effects of the draft Measure may be found at Appendix 2. The memorandum is accompanied by a parallel text of all three Measures as proposed to be modified for the Isle of Man, together with notes on the amendments of Manx legislation.

### **III. RECOMMENDATION**

5. Should Tynwald pass a resolution directing that the Measure, in the form laid before Tynwald, should be presented to Her Majesty, the Measure will be presented to Her Majesty in the same manner as a Bill and have the force and effect of an Act of Tynwald on the Royal Assent to the Measure being announced to Tynwald.

#### **Recommendation**

**That the Draft Church (Miscellaneous Provisions) Measure (Isle of Man) (PP 2020/0169A) in the form laid before Tynwald be presented to Her Majesty for Her Royal Assent, as required by Schedule 1 to the Church Legislation Procedure Act 1993.**

A L Cannan (Chair)

M M Maska

October 2020



**APPENDIX 1:**  
**Draft Church (Miscellaneous Provisions)**  
**Measure (Isle of Man)**



**DRAFT CHURCH (MISCELLANEOUS PROVISIONS) MEASURE  
(ISLE OF MAN)**

<i>Approved by Sodor and Man Diocesan Synod</i>	<i>4 August 2020</i>
<i>Approved by Tynwald</i>	<i>2020</i>
<i>Royal Assent given</i>	<i>2020</i>
<i>Announced to Tynwald</i>	<i>2020</i>

A MEASURE enacted pursuant to the Church Legislation Procedure Act 1993 to extend to the Isle of Man the Ecumenical Relations Measure 2018, the Church of England (Miscellaneous Provisions) Measure 2018 and the Church of England (Miscellaneous Provisions) Measure 2020; and for connected purposes

**1. Short title**

The short title of this Measure is the Church (Miscellaneous Provisions) Measure (Isle of Man) 2020.

**2. Commencement**

- (1) This Measure comes into operation on such day or days as the Bishop may by order appoint.
- (2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

**3. Extension of Ecumenical Relations Measure 2018 to the Isle of Man**

The Ecumenical Relations Measure 2018 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

**4. Extension of Church of England (Miscellaneous Provisions) Measure 2018 to the Isle of Man**

The Church of England (Miscellaneous Provisions) Measure 2018 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 2.

**5. Extension of Church of England (Miscellaneous Provisions) Measure 2020 to the Isle of Man**

The Church of England (Miscellaneous Provisions) Measure 2020 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 3.

**6. Minor and consequential amendments and repeal**

- (1) The enactments specified in Schedule 4 are amended in accordance with that Schedule.
- (2) The Church (Ecclesiastical Jurisdiction) Act 1978 is repealed.

SCHEDULE 1

MODIFICATIONS ETC. OF ECUMENICAL RELATIONS MEASURE

*Extension of power to make provision by Canon*

1. (1) In section 1(2), for paragraph (d) substitute –
  - "(d) in subsection (2) –
    - (i) after "1967" insert "or in the case of a bishop's mission order under Schedule 6A to the Mission and Pastoral Measure (Isle of Man) 2012", and
    - (ii) in paragraphs (a) and (b), after "that institution" insert "or in connection with the initiative endorsed by the bishop's mission order" .".
- (2) Omit section 1(5) to (8).

*Short title, commencement and extent*

2. Omit section 4(2) to (8).

SCHEDULE 2  
MODIFICATIONS ETC. OF MISCELLANEOUS PROVISIONS  
MEASURE 2018

*The Church Commissioners for England*

1. Omit section 2.

*Church services*

2. Omit section 3.
3. (1) In section 4(1), for "church or churchyard" substitute "church, chapel or parish burial ground".
- (2) For section 4(4) substitute —
- "(4) In this section —
- "cemetery" does not include a parish burial ground;
- "parish burial ground" has the same meaning as in the Burials Act 1986 (an Act of Tynwald)."

*Ecclesiastical offices*

4. (1) Omit section 6(1).
- (2) In section 6(2) and (3), for "Regulations 2009" (in each place) substitute "(Isle of Man) Regulations 2012".
- (3) In section 6(6), in the inserted section 1(1A) —
- (a) for "Diocesan Board of Finance" substitute "Board";
- (b) for "Schedule A1 to the Ecclesiastical Fees Measure 1986" substitute "Schedule 1 to the Church Fees Measure (Isle of Man) 2014".
- (4) In section 6(7) —
- (a) for "subsection (2)" substitute "subsection (2A)";
- (b) for "(2A)" substitute "(2B)".
- (5) In section 6(8) for "section 2 or 3 of that Measure" substitute "(an Act of Tynwald)".
- (6) Omit section 6(9) to (11).
- (7) In section 6(13) —
- (a) for "commencement of subsections (10) and (11) of this section" substitute "extension of this section to the Isle of Man";
- (b) for "Archbishops' Council" substitute "Sodor and Man Diocesan Synod".
- (8) Omit section 6(14) and (15).

*Ecclesiastical jurisdiction*

5. Omit section 8.

*Draft Church (Miscellaneous Provisions) Measure (Isle of Man)*

*Statutory bodies*

6. In section 10(4), at the end insert ", and have effect subject to section 4(4) of the said Measure".
7. (1) In section 11(5) —
  - (a) for "becomes subsection (2)" substitute "is omitted";
  - (b) for the new section 3(3) substitute —
    - "(3) Any act of the council may be signified by an instrument —
      - (a) signed pursuant to a resolution of the council by two members of the council (whether or not they were present at the meeting at which the resolution was passed, and whether or not an instrument under seal would be required apart from this subsection), and
      - (b) expressed (in whatever form of words) to be signed on behalf of the council."
- (2) Omit section 11(8) and (9).
8. Omit section 12(2) and (3).

*Charities*

9. Omit sections 13 and 14.

*Mission and pastoral*

10. Omit sections 15 and 16.

*Final*

11. Omit section 17(2) to (10).

SCHEDULE 3  
MODIFICATIONS ETC. OF MISCELLANEOUS PROVISIONS  
MEASURE 2020

*Members of religious communities*

1. In section 1, omit subsection (5).

*Ministry*

2. In section 3(1) —
- (a) in the new section 4(1A), for "church or churchyard" substitute "church, chapel or parish burial ground";
  - (b) in the new section 4(1B), for the words from "rural dean" onwards substitute "archdeacon".

*Ecclesiastical jurisdiction*

3. Omit section 4.

*Care of churches*

4. Omit sections 5 and 6 and the Schedule.
5. (1) In section 7(1)(b), for "paragraphs (d) and (e)" substitute "paragraph (d)".
- (2) In section 7(2) —
- (a) in the new section 45(2A)(c)(i), omit "of the archdeaconry in which the church is situated";
  - (b) omit the new section 45(2B).
- (3) Omit section 7(4), (5), (9) and (10).

*Parochial registers and records*

6. Omit sections 8 and 9.

*Statutory bodies*

7. Omit sections 10 and 11.

*Updating etc.*

8. Omit section 15.

*Final provision*

9. Omit section 16(2) to (8).



SCHEDULE 4  
MINOR AND CONSEQUENTIAL AMENDMENTS

*Church Act 1895*

1. In section 2A —
  - (a) in subsections (2) and (3), for "German" substitute "the West Coast";
  - (b) in subsection (3), for "General Registry" substitute "Public Record Office"

*Church Act 1969*

2. In Schedule 1, before paragraph 6 insert —
  - "(5A) In section 71 of the Measure (which relates to the performance of duties during suspension etc.), in subsection (4) the words from "and may," onwards shall be omitted.
  - (5B) In section 72 of the Measure (which relates to the occupation of a parsonage house), in subsection (2) the words from "and such part" to "reasonable," shall be omitted."

*Marriage Act 1984*

3. In section 17B —
  - (a) after subsection (1) insert —
    - "(1A) Banns may be published in any public chapel in a parish with which a person to be married has a qualifying connection.";
  - (b) in subsection (2), for "The right to have banns published conferred by subsection (1)" substitute "The publication of banns by virtue of subsection (1) or (1A)";
  - (c) in subsection (3), after "subsection (1)" insert "or (1A)".

*Church (Miscellaneous Provisions) Measure (Isle of Man) 1990*

4. In Schedule 1 —
  - (a) in paragraph 1, for sub-paragraph (b) substitute —
    - "(b) omit the definition of "endowments of the benefice";";
  - (b) in paragraph 2(1)(a), at the end insert "and omit the words ", or in the endowments of his benefice".

*Church Act 1992*

5. (1) In section 8, after subsection (3A) insert —
  - "(3B) Neither subsection (1) nor subsection (3) applies to an office held under a contract of employment."
- (2) In Schedule 2 —
  - (a) in paragraph 1(1)(d), omit "or chapel";
  - (b) after paragraph 1(2) insert —
    - "(3) Where —

- (a) any land is vested in the incumbent of a benefice (with or without other persons), and
  - (b) the benefice is vacant,
- the powers of the incumbent under this Schedule shall, during the period of the vacancy, be exercisable by the priest in charge of the benefice.";
- (c) omit paragraph 3(1)(b);
  - (d) omit paragraph 6(2);
  - (e) in paragraph 6(4), for "sub-paragraphs (1) to (3A)," substitute "sub-paragraph (1),";
  - (f) in paragraph 8(1), omit "or order".
- (3) In Schedule 3, for paragraph 4(3), (4) and (5) substitute —
- "(3) A scheme under this Schedule shall not have effect unless it is approved by the Attorney General.
  - (4) Section 43 (appeal to Charities Tribunal) of the Charities Registration and Regulation Act 2019 applies to a decision by the Attorney General to approve or refuse to approve a scheme under this Schedule as it applies to a decision under that Act.
  - (5) In this paragraph "parish" means an ecclesiastical parish."

*Patronage Measure (Isle of Man) 1997*

6. In Schedule 1, in section 7 of the Patronage (Benefices) Measure 1986 —
- (a) in subsection (4), omit "Subject to subsection (5),";
  - (b) omit subsection (5).

*Church Records Measure (Isle of Man) 2000*

7. (1) After section 6 insert —
- "6A Access to electronic register book of services**
- (1) This section applies where there is an online facility provided by one or more of the National Institutions of the Church of England for enabling any person who has the custody of an electronic register book of services to allow any of the National Institutions and certain other persons to have access to the information contained in that register book.
  - (2) Every person who has the custody of an electronic register book of services must follow the procedure provided for by the online facility so as to allow any of the National Institutions of the Church of England, and such other persons as the Institution or Institutions concerned may authorise, to have access to the information contained in that register book.
  - (3) Where a person is given access under subsection (2) to the information contained in an electronic register book of services, the person shall be responsible for the safe-keeping, care and preservation of the information which the person obtains as a result."
- (2) After section 23 insert —

**"23A Making electronic register book of services available for certain purposes**

- (1) Any person who has the custody of an electronic register book of services may, for a limited period and in the manner approved by the Bishop, make the register book available for the purpose of exhibition or research or for the purpose of enabling a copy to be made of the register book or any part of it.
  - (2) The power conferred by subsection (1) may be exercised at the request of any person; but, whether or not such a request is made, the power may be exercised only with the consent of the parochial church council concerned.
  - (3) Where such a request is refused or the parochial church council refuses to give its consent, the Bishop may, on the application of the person who made the request, order the register book to be made available for the period and in the manner specified in the order.
  - (4) Before exercising the power under subsection (3), the Bishop must give the person who has the custody of the register book and the parochial church council concerned an opportunity to make representations."
- (3) In section 31(1), for the definitions of "records" and "registers" substitute—
- ""records" means materials in written or other form setting out facts or events or otherwise recording information; but a reference to a record does not include a reference to—
- (a) a register,
  - (b) anything which is or has been fixed to the fabric of a parish church or other place of public worship in a parish, or
  - (c) a photograph or picture which is or has been displayed in a parish church or other place of public worship in a parish;
- "registers" means the registers mentioned in section 8(1); and where a register of services is, by virtue of Canon F 12, kept in electronic form or a form approved by the General Synod, a reference to the registers is to be read as including a reference to that register in that form;".
- (4) In section 31, after subsection (1) insert —
- "(1A) In the case of a register book of services which is, by virtue of Canon F 12, kept in an electronic or other form approved by the General Synod—
- (a) a reference in this Measure to the register book of services includes (where the context allows) a reference to that register book in that form, and
  - (b) a reference in this Measure to an electronic register book of services is to be construed in accordance with this subsection.
- (1B) In subsection (1), the reference in each of paragraphs (b) and (c) of the definition of "records" to a parish church or other place of public worship in a parish includes a reference to—

*Draft Church (Miscellaneous Provisions) Measure (Isle of Man)*

- (a) an adjoining building used wholly or mainly as a vestry or sacristy, and
- (b) a church hall."

*Parochial Church Councils and Accounts Measure (Isle of Man) 2010*

8. In section 2(1)(b), in the inserted section 5B —
- (a) in subsection (2) —
    - (i) for "£5,000" substitute "£25,000";
    - (ii) for "section 5(5) of the Charities Registration Act 1989" substitute "section 27(2) of the Charities Registration and Regulation Act 2019";
  - (b) in subsection (3) —
    - (i) in paragraph (a), for "1976" substitute "2015";
    - (ii) in paragraph (b), for "section 11(1)(c) of the Charities Registration Act 1989" substitute "section 46 of the Charities Registration and Regulation Act 2019".

*Church Offices Measure (Isle of Man) 2011*

9. In paragraph 8 of the Schedule, after sub-paragraph (4) insert—
- "(4A) An order under sub-paragraph (3) may contain provision as to—
- (a) exemptions from or reductions in fees;
  - (b) remission of fees in whole or in part."

*Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012*

10. (1) The Schedule is amended as follows.
- (2) In paragraph 2(2)(b) and (4)(a), after "Employment" insert "and Equality".
- (3) For paragraph 3(3) substitute —
- "(3) In section 3(3) —
- (a) in paragraph (b), after "(1975 No.2)" insert "or section 8 of the Church Act 1992 (an Act of Tynwald), and after "that Measure" insert "or section 9 of that Act";
  - (b) in paragraph (c), for the words from "Pastoral Measure" onwards substitute "Mission and Pastoral Measure (Isle of Man) 2012".
- (4) For paragraph 7(2)(a) substitute —
- (a) omit "Subject to section 6(4) above,";
  - (aa) at the end of paragraph (b) omit "and";".

*Mission and Pastoral Measure (Isle of Man) 2012*

11. (1) For paragraph 6(2)(d) of Schedule 2 substitute —
- "(d) file a copy of the scheme in the Public Record Office."
- (2) In paragraph 5(12) of Schedule 3, for "6(2)(e) and (4) and 7" substitute "6 and 7".

- (3) In Schedule 4 —
- (a) in paragraph 9, for "General Registry" substitute "Central Registry";
  - (b) in paragraphs 9 and 11, for "Chief Registrar" (in each place) substitute "Registrar General".
- (4) In paragraph 2(1)(b) of Schedule 6, for "section 4(1) of the Pensions Measure 1997" substitute "section 9(2) of the Church of England Pensions Measure 2018".
- (5) In Schedule 6A —
- (a) in paragraph 5(2)(g), for "32A" substitute "33C";
  - (b) in paragraph 7(1), for the definitions of "ecumenical co-operation" and "local ecumenical project" substitute —
    - ""ecumenical co-operation" means co-operation in matters affecting the mission of, or worship in, the Churches concerned or their ministry, congregational life or buildings, and
    - "local ecumenical co-operative scheme" has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988.";
  - (c) in paragraph 7(2), for paragraph (a) substitute—
    - "(a) for participation in a local ecumenical co-operative scheme,";
  - (d) in paragraph 7(3), (5) and (6), for "local ecumenical project" substitute "local ecumenical co-operative scheme";
  - (e) in paragraph 7(6), for "the project" substitute "the scheme".

*Ecclesiastical Offices (Terms of Service) (Isle of Man) Regulations 2012 (SD321/12)*

12. (1) In regulation 2, in the definition of "the Tribunal", after "Employment" insert "and Equality".
- (2) In regulation 5, omit paragraph (3).
- (3) For regulation 23 substitute —

**"23. Maternity, parental, adoption etc. leave and time off**

- (1) An office holder is entitled to maternity, paternity, parental and adoption leave for the same periods and subject to the same conditions as apply in the case of an employee under the 2006 Act or regulations made under that Act.
- (2) Before exercising an entitlement under paragraph (1), an office holder must, in consultation with a responsible person or authority, use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the period of leave.
- (3) An office holder may request the Bishop to allow him or her to take time off work or to make adjustments to the duties of the office to care for a dependant.
- (4) A request under paragraph (1) must be in writing, and the Bishop may impose such other conditions as he thinks fit as to the manner in

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which the request is to be made, including as to the supply of information with the request.

- (5) The Bishop must consider a request under paragraph (3); and when doing so must consult the parochial church council of each parish belonging to the benefice concerned.
- (6) Where the Bishop decides to grant a request under paragraph (3), he may —
  - (a) give such time off work or adjustments to the duties of the office as appears to him to be reasonable; and
  - (b) impose reasonable conditions on the grant of the request, including any appropriate variations in the stipend which would otherwise be payable to the office holder.
- (7) In this paragraph "dependant" means, in relation to an office holder —
  - (a) a spouse or civil partner,
  - (b) a child,
  - (c) a parent,
  - (d) a person who lives in the same household as the office holder, otherwise than by reason of being his or her employee, tenant, lodger or boarder;
  - (e) if the care consists of providing assistance in case of illness or injury, a person who reasonably relies on the office holder to provide such assistance."
- (4) In consequence of sub-paragraph (3), the Ecclesiastical Offices (Terms of Service) Directions 2012 are revoked.
- (5) Section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009 is to be regarded as having always, until the commencement of sub-paragraphs (3) and (4), enabled regulations under that section to confer power on the Sodor and Man Diocesan Synod to make directions and to enable directions made under that power to provide for the exercise of a discretion.

*Churchwardens Measure (Isle of Man) 2013*

13. (1) In section 7(3), for "30th April" substitute "31st May".
- (2) In section 9(3)(a), for "1st August" substitute "1st September".
- (3) In section 10(6), omit "or (c)" and "and the Diocesan Registrar".

*Church Fees Measure (Isle of Man) 2014*

14. (1) In section 4 —
  - (a) in subsection (1)(a)(ii), for "licensed" substitute "authorised";
  - (b) after subsection (1) insert —

"(1A) Subsection (1) does not apply to matters which relate to duties carried out in the course of employment by a university, college, school, hospital or public or charitable institution."
- (2) In section 7, after subsection (4) insert—

- "(4A) An order under subsection (3) may contain provision as to—
- (a) exemptions from or reductions in fees;
  - (b) remission of fees in whole or in part."





**APPENDIX 2:**

**Memorandum to the Ecclesiastical  
Committee of Tynwald re: Draft Church  
(Miscellaneous Provisions) Measure (Isle  
of Man)**



**MEMORANDUM TO THE ECCLESIASTICAL COMMITTEE OF TYNWALD**

**DRAFT CHURCH (MISCELLANEOUS PROVISIONS) MEASURE (ISLE OF MAN)**

1. The Sodor and Man Diocesan Synod on 4 August 2020 approved the **draft Church (Miscellaneous Provisions) Measure (Isle of Man)** pursuant to paragraph 1(3) of Schedule 1 to the Church Legislation Procedure Act 1993. Accordingly the Legislative Committee presents the draft Measure, a copy of which accompanies this Memorandum, to the Ecclesiastical Committee of Tynwald for consideration under paragraph 2 of the said Schedule 1.
2. The main object of the draft Measure is to extend to the Isle of Man three Measures of the General Synod —
  - 2.1. the **Ecumenical Relations Measure 2018**;
  - 2.2. the **Church of England (Miscellaneous Provisions) Measure 2018**;
  - 2.3. the **Church of England (Miscellaneous Provisions) Measure 2020**.
3. **Clauses 1 and 2** are introductory.

*Ecumenical Relations Measure 2018*

4. This Measure amends the Church of England (Ecumenical Relations) Measure 1988. **Clause 3** extends those amendments to the Isle of Man with the modifications in **Schedule 1**:
  - 4.1. power for General Synod to make further provision by Canon for local ecumenical co-operation (section 1)
  - 4.2. power for bishop temporarily to authorise local co-operation with a Church which is not on the national list in the 1988 Measure (section 2)
  - 4.3. requirement for clergy and others acting under the 1988 Measure to comply with a code of practice issued by the House of Bishops (section 3)

*Church of England (Miscellaneous Provisions) Measure 2018*

5. This Measure makes minor amendments of Church legislation dealing with various matters, of which some are relevant to the Isle of Man. **Clause 4** extends those amendments (except as mentioned at 7 below) subject to the modifications in **Schedule 2**:
  - 5.1. conduct of funerals by outside clergy (section 4)
  - 5.2. delegation of functions by bishops (section 5)
  - 5.3. clergy terms of service (section 6)
  - 5.4. ecclesiastical jurisdiction (section 7)
  - 5.5. legal aid (section 10)
  - 5.6. execution of documents (section 11)

*Church of England (Miscellaneous Provisions) Measure 2020*

6. This Measure also makes minor amendments of Church legislation, of which some are relevant to the Isle of Man. **Clause 5** extends those amendments (except as mentioned at 7 below) subject to the modifications in **Schedule 3**:
  - 6.1. religious communities (section 1)
  - 6.2. a new national register of clergy and lay ministers (section 2)
  - 6.3. conduct of funerals by lay persons (section 3)
  - 6.4. appointment of inspector of church buildings (section 7)
  - 6.5. leases of Church property (section 12)

*Minor and consequential amendments and repeals*

7. **Clause 5** and **Schedules 4 and 5** make amendments and repeals of Manx legislation, mostly to replicate amendments to corresponding English legislation made by the above Measures:
  - 7.1. mission initiatives involving local ecumenical co-operation (ER 2018 section 1)
  - 7.2. exclusion of age limit where an office is held under a contract of employment (MP 2018 section 6)
  - 7.3. parochial fees not payable in the case of duties of employment (MP 2018 section 8)
  - 7.4. keeping of registers of services in electronic form (MP 2020 section 8)
  - 7.5. definition of parochial registers and records (MP 2020 section 9)

Other amendments of a technical nature are also made, and spent provisions are repealed.

8. Also accompanying this memorandum is a parallel text of all three Measures as proposed to be modified for the Isle of Man, together with notes on the amendments of Manx legislation.
9. The Legislative Committee respectfully requests the Ecclesiastical Committee to consider the draft Measure and to recommend to Tynwald that it be presented to Her Majesty for Her assent.

*W H Connell*

Chairman of the Legislative Committee

August 2020

# DRAFT CHURCH (MISCELLANEOUS PROVISIONS) MEASURE (ISLE OF MAN)

## TEXT OF EXTENDED MEASURES AS MODIFIED FOR THE ISLE OF MAN

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## Schedule 1 — Ecumenical Relations Measure 2018 (No.6)

### **Measure as enacted**

#### **1 Extension of power to make provision by Canon**

(1) In section 1 of the Church of England (Ecumenical Relations) Measure 1988 (joint worship with other Churches), the existing text of which becomes subsection (1), at the end insert—

“(2) It shall be lawful for the General Synod to make provision by Canon for enabling a member of a Church which subscribes to the doctrine of the Holy Trinity but which is not otherwise a Church to which this Measure applies—

(a) to read Holy Scripture at a Church of England service;

(b) to lead the Intercessions at Holy Communion according to the use of the Church of England;

(c) to lead prayers at a Church of England service other than Holy Communion.

(3) It shall be lawful for the General Synod to make provision by Canon for enabling a member of the Salvation Army to preach at a Church of England service.

(4) In subsections (2) and (3), “Church of England service” means a service held in accordance with the forms of service and practice of the Church of England.”

(2) In section 2 of that Measure (the title to which becomes “Provision by Canon for participation in local ecumenical co-operative schemes”)—

(a) for “local ecumenical project”, in each place it appears, substitute “local ecumenical co-operative scheme”,

(b) for “that project”, in each place it appears, substitute “that scheme”,

(c) for “the project” substitute “the scheme”, and

(d) in subsection (2), for “section 47 of the Dioceses, Pastoral and Mission Measure 2007” substitute “section 80 of the Mission and Pastoral Measure 2011”.

(3) In section 4 of that Measure (overseas clergy)—

(a) for “an United Church” substitute “a Church in communion with the Church of England”,

(b) for “that United Church” substitute “the Church in communion with the Church of England”, and

(c) omit the second sentence (which defines “United Church”).

(4) In section 6 of that Measure (interpretation), for subsection (1) substitute—

“(1) In this Measure “local ecumenical co-operative scheme” means a scheme under which Churches of different denominations agree, in relation to a

### **As proposed to be extended to the Isle of Man**

#### **1 Extension of power to make provision by Canon**

(1) In section 1 of the Church of England (Ecumenical Relations) Measure 1988 (joint worship with other Churches), the existing text of which becomes subsection (1), at the end insert—

“(2) It shall be lawful for the General Synod to make provision by Canon for enabling a member of a Church which subscribes to the doctrine of the Holy Trinity but which is not otherwise a Church to which this Measure applies—

(a) to read Holy Scripture at a Church of England service;

(b) to lead the Intercessions at Holy Communion according to the use of the Church of England;

(c) to lead prayers at a Church of England service other than Holy Communion.

(3) It shall be lawful for the General Synod to make provision by Canon for enabling a member of the Salvation Army to preach at a Church of England service.

(4) In subsections (2) and (3), “Church of England service” means a service held in accordance with the forms of service and practice of the Church of England.”

(2) In section 2 of that Measure (the title to which becomes “Provision by Canon for participation in local ecumenical co-operative schemes”)—

(a) for “local ecumenical project”, in each place it appears, substitute “local ecumenical co-operative scheme”,

(b) for “that project”, in each place it appears, substitute “that scheme”,

(c) for “the project” substitute “the scheme”, and

**(d) in subsection (2) —**

**(i) after “1967” insert “or in the case of a bishop’s mission order under Schedule 6A to the Mission and Pastoral Measure (Isle of Man) 2012”, and**

**(ii) in paragraphs (a) and (b), after “that institution” insert “or in connection with the initiative endorsed by the bishop’s mission order”.**

(3) In section 4 of that Measure (overseas clergy)—

(a) for “an United Church” substitute “a Church in communion with the Church of England”,

(b) for “that United Church” substitute “the Church in communion with the Church of England”, and

(c) omit the second sentence (which defines “United Church”).

(4) In section 6 of that Measure (interpretation), for subsection (1) substitute—

“(1) In this Measure “local ecumenical co-operative scheme” means a scheme under which Churches of different denominations agree, in relation to a

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specified area or institution, to co-operate in matters affecting the mission of, or worship in, those Churches or their ministry, congregational life or buildings.”

(5) In section 80 of the Mission and Pastoral Measure 2011 (mission initiatives), in subsection (5), for paragraph (a) substitute—

“(a) for participation in a local ecumenical co-operative scheme.”

(6) In subsection (8) of that section and in subsection (3) of section 82 (supplementary provision), for “local ecumenical project” substitute “local ecumenical co-operative scheme”.

(7) For subsection (9) of section 82 of that Measure substitute—

“(9) In section 80—

“ecumenical co-operation” means co-operation in matters affecting the mission of, or worship in, the Churches concerned or their ministry, congregational life or buildings, and

“local ecumenical co-operative scheme” has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988.”

(8) In section 83 of that Measure (review of duration of mission initiatives etc.), in subsection (8)—

(a) for “a local ecumenical project” substitute “a local ecumenical cooperative scheme”, and

(b) for “the ecumenical project” substitute “the scheme”.

**2 Power of bishop to give temporary designation**

(1) After section 5 of the Church of England (Ecumenical Relations) Measure 1988 (the title to which becomes “Churches to which Measure applies: designation by Archbishops”), insert—

**“5A Churches to which Measure applies: designation by bishop**

(1) This Measure applies to any Church which is designated by the bishop of a diocese as a Church to which this Measure applies.

(2) A designation under this section—

(a) has effect only in the diocese of the bishop who gave the designation, and

(b) expires at the end of such period not exceeding seven years as the designation specifies, unless it is renewed or revoked.

(3) The bishop of a diocese in which a designation under this section has effect may renew or revoke the designation.

(4) A designation renewed under this section expires at the end of such period not exceeding seven years as the renewed designation specifies beginning with the date on which it was renewed (or last renewed), unless it is renewed again or revoked.

(5) The bishop of a diocese may not give or renew a designation under this section unless at the time the designation is given or renewed—

**As proposed to be extended to the Isle of Man**

specified area or institution, to co-operate in matters affecting the mission of, or worship in, those Churches or their ministry, congregational life or buildings.”

*Note Equivalent amendments of the Mission and Pastoral Measure (Isle of Man) 2012 Sch.6A are made by Sch.4.*

**2 Power of bishop to give temporary designation**

(1) After section 5 of the Church of England (Ecumenical Relations) Measure 1988 (the title to which becomes “Churches to which Measure applies: designation by Archbishops”), insert—

**“5A Churches to which Measure applies: designation by bishop**

(1) This Measure applies to any Church which is designated by the bishop of a diocese as a Church to which this Measure applies.

(2) A designation under this section—

(a) has effect only in the diocese of the bishop who gave the designation, and

(b) expires at the end of such period not exceeding seven years as the designation specifies, unless it is renewed or revoked.

(3) The bishop of a diocese in which a designation under this section has effect may renew or revoke the designation.

(4) A designation renewed under this section expires at the end of such period not exceeding seven years as the renewed designation specifies beginning with the date on which it was renewed (or last renewed), unless it is renewed again or revoked.

(5) The bishop of a diocese may not give or renew a designation under this section unless at the time the designation is given or renewed—

**Measure as enacted**

(a) the Church concerned subscribes to the doctrine of the Holy Trinity and administers the Sacraments of baptism and Holy Communion, and

(b) the bishop is satisfied that the Church—

(i) does not promote any doctrine which is contrary to the doctrine of the Church of England in any essential matter, and

(ii) meets such conditions relating to the ordering of its life or to its relations with other Churches as are included in the Code of Practice under section 5B.

(6) The bishop of a diocese must revoke a designation given or renewed under this section if subsection (5)

(a) or (b) ceases to be the case in relation to the Church to which the designation applies.

(7) A bishop's functions under this section may be delegated (whether by an instrument under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007 or otherwise) only to a suffragan or assistant bishop who is authorised to discharge functions of the bishop—

(a) in a particular area of the diocese,

(b) during a vacancy in the diocesan see, or

(c) during the diocesan bishop's absence from the diocese."

(2) In section 6 of that Measure (interpretation), for subsection (2) substitute—

"(2) In this Measure "appropriate authority" means—

(a) in relation to a Church to which this Measure applies by virtue of section 5, such authority as the Archbishops of Canterbury and York designate in relation to that Church;

(b) in relation to a Church to which this Measure applies by virtue of section 5A, such authority as the bishop which designated the Church under that section designates in relation to it."

**3 Code of Practice**

After section 5A of the Church of England (Ecumenical Relations) Measure 1988 (inserted by section 2 above) insert—

**"5B Code of Practice**

(1) The House of Bishops shall issue a Code of Practice on co-operation by the Church of England with other Churches.

(2) The House of Bishops may revise or replace the Code; and, where it does so, it shall issue the Code as revised or replaced.

(3) A clerk in Holy Orders, deaconess, lay worker or reader of the Church of England shall, in exercising a function under this Measure or under provision made by Canon in reliance on this Measure, have regard to the Code.

(4) Provision made by Canon in reliance on this Measure may be made by reference to the Code.

(5) The Code—

**As proposed to be extended to the Isle of Man**

(a) the Church concerned subscribes to the doctrine of the Holy Trinity and administers the Sacraments of baptism and Holy Communion, and

(b) the bishop is satisfied that the Church—

(i) does not promote any doctrine which is contrary to the doctrine of the Church of England in any essential matter, and

(ii) meets such conditions relating to the ordering of its life or to its relations with other Churches as are included in the Code of Practice under section 5B.

(6) The bishop of a diocese must revoke a designation given or renewed under this section if subsection (5)

(a) or (b) ceases to be the case in relation to the Church to which the designation applies.

(7) A bishop's functions under this section may be delegated (whether by an instrument under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007 or otherwise) only to a suffragan or assistant bishop who is authorised to discharge functions of the bishop—

(a) in a particular area of the diocese,

(b) during a vacancy in the diocesan see, or

(c) during the diocesan bishop's absence from the diocese."

(2) In section 6 of that Measure (interpretation), for subsection (2) substitute—

"(2) In this Measure "appropriate authority" means—

(a) in relation to a Church to which this Measure applies by virtue of section 5, such authority as the Archbishops of Canterbury and York designate in relation to that Church;

(b) in relation to a Church to which this Measure applies by virtue of section 5A, such authority as the bishop which designated the Church under that section designates in relation to it."

**3 Code of Practice**

After section 5A of the Church of England (Ecumenical Relations) Measure 1988 (inserted by section 2 above) insert—

**"5B Code of Practice**

(1) The House of Bishops shall issue a Code of Practice on co-operation by the Church of England with other Churches.

(2) The House of Bishops may revise or replace the Code; and, where it does so, it shall issue the Code as revised or replaced.

(3) A clerk in Holy Orders, deaconess, lay worker or reader of the Church of England shall, in exercising a function under this Measure or under provision made by Canon in reliance on this Measure, have regard to the Code.

(4) Provision made by Canon in reliance on this Measure may be made by reference to the Code.

(5) The Code—



***Measure as enacted***

- (a) may make different provision for different cases;
  - (b) may make provision which applies generally or for specified cases or subject to specified exceptions;
  - (c) may make provision which confers a discretion on a person;
  - (d) may make provision by reference to guidance issued by any person.
- (6) The Code (including as revised or replaced) shall be laid before the General Synod and shall not come into force unless it is approved by the General Synod.
- (7) If the Business Committee of the General Synod decides that the Code does not need to be debated, it is to be treated as approved for the purposes of subsection (6) unless a member of the Synod gives notice under its Standing Orders that the member wishes the Code to be debated.”

***4 Short title, commencement and extent***

- (1) This Measure may be cited as the Ecumenical Relations Measure 2018.
- (2) This section comes into force on the day on which this Measure is passed.
- (3) The preceding provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.
- (4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.
- (5) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.
- (6) This Measure extends to—
  - (a) the whole of the province of Canterbury, except the Channel Islands (as to which, see subsection (7)), and
  - (b) the whole of the province of York, except the Isle of Man (as to which, see subsection (8)).
- (7) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them.
- (8) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the provisions of this Measure extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument.

***As proposed to be extended to the Isle of Man***

- (a) may make different provision for different cases;
  - (b) may make provision which applies generally or for specified cases or subject to specified exceptions;
  - (c) may make provision which confers a discretion on a person;
  - (d) may make provision by reference to guidance issued by any person.
- (6) The Code (including as revised or replaced) shall be laid before the General Synod and shall not come into force unless it is approved by the General Synod.
- (7) If the Business Committee of the General Synod decides that the Code does not need to be debated, it is to be treated as approved for the purposes of subsection (6) unless a member of the Synod gives notice under its Standing Orders that the member wishes the Code to be debated.”

***4 Short title, commencement and extent***

- (1) This Measure may be cited as the Ecumenical Relations Measure 2018.

## Schedule 2 — Church of England (Miscellaneous Provisions) Measure 2018 (No.7)

### **Measure as enacted**

*The Church Commissioners*

#### **1 Power to make grants to Archbishops' Council**

The Church Commissioners may make grants out of their general fund to the Archbishops' Council for the purposes of the Council's functions.

#### **2 Land registration: disposals of church land**

(1) Where immediately before the commencement of this section an individual register of title contains an inhibition reflecting the requirement of section 99 of the Land Registration Act 1925 (Church Commissioners' certificate), the proprietor of the title may apply for the inhibition to be replaced with a restriction in Form D in Schedule 4 to the Land Registration Rules 2003 (S.I. 2003/1417) (as amended or replaced from time to time).

(2) In that Schedule, for Form D (dispositions of church land etc.) substitute —

“Form D (parsonage, diocesan glebe, church or churchyard land)

No disposition of the registered estate is to be registered unless the instrument giving effect to the disposition contains either certificate (a) or certificate (b) —

(a) the disposition

*[choose one of the bulleted clauses]*

- is made in accordance with the Parsonages Measure 1938;
  - is made in accordance with section 14 of the New Parishes Measure 1943;
  - is made in accordance with section 17 of the New Parishes Measure 1943;
  - is made in accordance with the Endowments and Glebe Measure 1976;
  - falls within section 117(3) (a) of the Charities Act 2011;
  - is made under the authority of a faculty granted under the common law power referred to in *In re St. Mary Magdalene's Paddington* 1980 Fam.99;
- is made in accordance with *[specify other Act, Measure or authority]*;

(b) the Church Commissioners are a party to the instrument and have applied their seal to it.”

(3) The reference in subsection (1) to the proprietor of the title is a reference to —

(a) the registered proprietor of the title, or

(b) a person entitled to be registered as the proprietor of the title.

(4) An application under subsection (1) —

(a) must be made to the Chief Land Registrar,

(b) must specify the title number to which the application relates,

(c) must specify the form of the restriction sought and

### **As proposed to be extended to the Isle of Man**

*The Church Commissioners*

#### **1 Power to make grants to Archbishops' Council**

The Church Commissioners may make grants out of their general fund to the Archbishops' Council for the purposes of the Council's functions.

**Measure as enacted**

explain why the applicant considers that to be the appropriate form of restriction to apply, and

(d) where the applicant is not the registered proprietor but is entitled to be such, must be accompanied by evidence to satisfy the Chief Land Registrar of that entitlement.

(5) No fee may be charged for an application under subsection (1).

(6) If the application is in order, the Chief Land Registrar must make the replacement sought.

(7) In rule 93 of the Land Registration Rules 2003 (persons having sufficient interest to apply for restriction), in paragraph (g), after “applying for a restriction” insert “in Form D”.

(8) The amendments made by this section to the Land Registration Rules 2003 do not affect the power to make further rules amending or revoking the provision made by those amendments.

*Church services*

**3 Marriage: licensing chapel during suspension period in benefice**

In section 20 of the Marriage Act 1949 (licensing public chapel for publication of banns and solemnization of marriages), after subsection (7) insert-

“(7A) In the case of a benefice to which a suspension period within the meaning of the Mission and Pastoral Measure 2011 applies and for which a priest in charge has been appointed, this section has effect as if each reference to the incumbent were a reference to the priest in charge.”

**4 Funerals: conduct**

(1) A clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England may perform a funeral service in a crematorium, cemetery or other place which is not a church or churchyard, and in which the clerk would not otherwise be entitled to perform the service, if—

(a) the persons concerned have asked the clerk to perform the service, and

(b) the clerk has, so far as practicable, informed the relevant minister and sought his or her goodwill.

(2) The “relevant minister” is—

(a) the minister of the parish on whose electoral roll the deceased’s name was entered, or

(b) if the deceased’s name was not entered on the electoral roll of a parish or the persons concerned do not know whether it was, the minister of the parish which included the deceased’s usual place of residence.

(3) The performance of a funeral service in accordance with subsection (1) does not require the consent, and is not subject to the control, of the minister of the parish in which the service is performed.

**As proposed to be extended to the Isle of Man**

*Church services*

**4. Funerals: conduct**

(1) A clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England may perform a funeral service in a crematorium, cemetery or other place which is not a **church, chapel or parish burial ground**, and in which the clerk would not otherwise be entitled to perform the service, if—

(a) the persons concerned have asked the clerk to perform the service, and

(b) the clerk has, so far as practicable, informed the relevant minister and sought his or her goodwill.

(2) The “relevant minister” is—

(a) the minister of the parish on whose electoral roll the deceased’s name was entered, or

(b) if the deceased’s name was not entered on the electoral roll of a parish or the persons concerned do not know whether it was, the minister of the parish which included the deceased’s usual place of residence.

(3) The performance of a funeral service in accordance with subsection (1) does not require the consent, and is not subject to the control, of the minister of the parish in which the service is performed.

**Measure as enacted**

(4) In subsection (1), “church” and “churchyard” each have the same meaning as they have in relation to a funeral service in the Ecclesiastical Fees Measure 1986 (see section 10 of that Measure).

(5) In section 2 of the Church of England (Miscellaneous Provisions) Measure 1992 (conduct of funeral services), in subsection (2), after “may perform” insert “or arrange the performance of”.

(6) In subsection (4) of that section, after “be under the same obligation” insert “(subject to subsection (4A))”.

(7) After that subsection insert —

“(4A) Each of the following may perform a funeral service under an arrangement made under subsection (2) or (4) —

(a) a clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England;

(b) a duly authorised deaconess, reader or lay worker.”

(8) The first rubric at the beginning of the Order for the Burial of the Dead in the Book of Common Prayer (which notes that the Order may not be used if the deceased is unbaptised, excommunicate or a suicide of sound mind) is omitted.

*Ecclesiastical offices*

**5 Bishops: delegation of functions to other bishops**

It is hereby declared for the avoidance of doubt that the bishop of a diocese may, by virtue of the jurisdiction as Ordinary under Canon C 18, commit to another bishop of the Church of England the exercise of a function which is not conferred or imposed by or under an Act of Parliament or Measure.

**6 Terms of service**

(1) In section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975 (age limit for appointment to certain ecclesiastical offices), after subsection (3A) insert —

“(3B) Neither subsection (1) nor subsection (3) shall apply to an office held under a contract of employment.”

(2) In the Bishops (Retirement) Measure 1986, in section 1 (resignation of bishop), in subsection (2), after “sections 1(3) and 3 of the Ecclesiastical Offices (Age Limit) Measure 1975” insert “or regulation 29A of the Ecclesiastical Offices (Terms of Service) Regulations 2009”.

(3) In section 2 of that Measure (retirement of bishop on reaching age-limit) —

(a) in subsection (1), after “section 3(1) of that Measure” insert “or regulation 29A of the Ecclesiastical Offices (Terms of Service) Regulations 2009”,

(b) in subsection (2)(a), after “section 3(1) of the

**As proposed to be extended to the Isle of Man**

**(4) In this section —**

**“cemetery” does not include a parish burial ground;**

**“parish burial ground” has the same meaning as in the Burials Act 1986 (an Act of Tynwald).**

(5) In section 2 of the Church of England (Miscellaneous Provisions) Measure 1992 (conduct of funeral services), in subsection (2), after “may perform” insert “or arrange the performance of”.

(6) In subsection (4) of that section, after “be under the same obligation” insert “(subject to subsection (4A))”.

(7) After that subsection insert —

“(4A) Each of the following may perform a funeral service under an arrangement made under subsection (2) or (4) —

(a) a clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England;

(b) a duly authorised deaconess, reader or lay worker.”

(8) The first rubric at the beginning of the Order for the Burial of the Dead in the Book of Common Prayer (which notes that the Order may not be used if the deceased is unbaptised, excommunicate or a suicide of sound mind) is omitted.

*Ecclesiastical offices*

**5 Bishops: delegation of functions to other bishops**

It is hereby declared for the avoidance of doubt that the bishop of a diocese may, by virtue of the jurisdiction as Ordinary under Canon C 18, commit to another bishop of the Church of England the exercise of a function which is not conferred or imposed by or under an Act of Parliament or Measure.

**6 Terms of service**

*Note* An equivalent amendment of the Church Act 1992 s.8 is made by Sch.4.

(2) In the Bishops (Retirement) Measure 1986, in section 1 (resignation of bishop), in subsection (2), after “sections 1(3) and 3 of the Ecclesiastical Offices (Age Limit) Measure 1975” insert “or regulation 29A of the Ecclesiastical Offices (Terms of Service) **(Isle of Man) Regulations 2012**”.

(3) In section 2 of that Measure (retirement of bishop on reaching age-limit) —

(a) in subsection (1), after “section 3(1) of that Measure” insert “or regulation 29A of the Ecclesiastical Offices (Terms of Service) **(Isle of Man) Regulations 2012**”,

(b) in subsection (2)(a), after “section 3(1) of the

**Measure as enacted**

Ecclesiastical Offices (Age Limit) Measure 1975” insert “or regulation 29A of the Ecclesiastical Offices (Terms of Service) Regulations 2009”, and

(c) in subsection (2) (b), after “that section” insert “or regulation”.

(4) For section 11 of the Church of England (Miscellaneous Provisions) Measure 1992 substitute

**“11 Resignation of incumbents**

(1) Where the incumbent of a benefice wishes to tender resignation, it is not necessary to proceed by way of deed.

(2) An incumbent who does not hold office under common tenure may tender resignation by giving at least three months’ written notice to that effect to the bishop of the diocese.

(3) The requirement to give notice under subsection (2) may be waived by agreement between the incumbent and the bishop.

(4) For the provision that applies in the case of an incumbent who holds office under common tenure, see section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (which requires the bishop to be given three months’ written notice).”

(5) In consequence of subsection (4), Schedule 2 to the Church of England (Miscellaneous Provisions) Measure 1992 (form for resignation by incumbent) is repealed.

(6) In section 1 of the Ecclesiastical Offices (Terms of Service) Measure 2009, after subsection (1) insert—  
“(1A) The reference in subsection (1)(h) to emoluments of office does not include a reference to fees which, pursuant to a decision of the Diocesan Board of Finance, have been paid to a deaconess, reader or lay worker in respect of a matter set out in Schedule A1 to the Ecclesiastical Fees Measure 1986.”

(7) In section 2 of that Measure (regulations), after subsection (2) insert —

“(2A) Regulations may provide for the exercise of a discretion.”

(8) In section 3 of that Measure (duration of appointments), in subsection (3)(b), after “section 2 or 3 of that Measure” insert “or in provision made by regulations under section 2 of this Measure”.

(9) In regulation 5 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (S.I. 2009/2108) (note in statement of particulars), omit paragraph (3) (which relates to pensions and contracted—out employment).

(10) For regulation 23 of those Regulations substitute

“23 Maternity, parental, adoption etc. leave and time off for carers

(1) An office holder is entitled to maternity, paternity, parental, adoption or shared parental leave for the

**As proposed to be extended to the Isle of Man**

Ecclesiastical Offices (Age Limit) Measure 1975” insert “or regulation 29A of the Ecclesiastical Offices (Terms of Service) **(Isle of Man) Regulations 2012**”, and

(c) in subsection (2) (b), after “that section” insert “or regulation”.

(4) For section 11 of the Church of England (Miscellaneous Provisions) Measure 1992 substitute

**“11 Resignation of incumbents**

(1) Where the incumbent of a benefice wishes to tender resignation, it is not necessary to proceed by way of deed.

(2) An incumbent who does not hold office under common tenure may tender resignation by giving at least three months’ written notice to that effect to the bishop of the diocese.

(3) The requirement to give notice under subsection (2) may be waived by agreement between the incumbent and the bishop.

(4) For the provision that applies in the case of an incumbent who holds office under common tenure, see section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (which requires the bishop to be given three months’ written notice).”

(5) In consequence of subsection (4), Schedule 2 to the Church of England (Miscellaneous Provisions) Measure 1992 (form for resignation by incumbent) is repealed.

(6) In section 1 of the Ecclesiastical Offices (Terms of Service) Measure 2009, after subsection (1) insert—  
“(1A) The reference in subsection (1)(h) to emoluments of office does not include a reference to fees which, pursuant to a decision of the **Board**, have been paid to a deaconess, reader or lay worker in respect of a matter set out in **Schedule 1 to the Church Fees Measure (Isle of Man) 2014**.”

(7) In section 2 of that Measure (regulations), after subsection **(2A)** insert —

“**(2B)** Regulations may provide for the exercise of a discretion.”

(8) In section 3 of that Measure (duration of appointments), in subsection (3)(b), after “**(an Act of Tynwald)**” insert “or in provision made by regulations under section 2 of this Measure”.

*Note Equivalent amendments of the Ecclesiastical Offices (Terms of Services) (Isle of Man) Regulations 2012 are made by Sch.4.*

**Measure as enacted**

**As proposed to be extended to the Isle of Man**

same periods and subject to the same conditions as for the time being apply in the case of an employee under the Employment Rights Act 1996 or regulations made under it.

(2) Before exercising an entitlement under paragraph (1), an office holder must, in consultation with a responsible person or authority, use all reasonable endeavours to make arrangements for the duties of the office to be performed by one or more other persons during the period of leave.

(3) An office holder may request the appropriate authority to give him or her time off work or to make adjustments to the duties of the office to allow him or her to care for a dependant; and for this purpose, “the appropriate authority” is —

(a) unless the office holder holds office in a cathedral, the bishop of the diocese;

(b) if the office holder is the dean of a cathedral, the bishop of the diocese;

(c) if the office holder holds another office in a cathedral, the dean of the cathedral.

(4) A request under paragraph (3) must be in writing; and the Archbishops’ Council may impose other conditions as to the manner in which the request is to be made, including as to the supply of information with the request.

(5) The appropriate authority must consider a request under paragraph (3); and when doing so in the case of an office holder who does not hold office in a cathedral, it must consult the parochial church council of each parish belonging to the benefice concerned.

(6) Where the appropriate authority decides to grant a request under paragraph (3), it may —

(a) give such time off work or make such adjustments to the duties of the office as appears to it to be reasonable, and

(b) impose reasonable conditions on the grant of the request, including appropriate variations in the stipend which would otherwise be payable to the office holder.

(7) In this regulation-

“dependant”, in relation to an office-holder, means any person who would, if the office-holder were an employee for the purposes of the Employment Rights Act 1996, be a dependant within the meaning of section 57A of that Act, and

“shared parental leave” means leave under section 75E or 75C of that Act.”

(11) In consequence of subsection (10), the following are revoked —

(a) the Ecclesiastical Offices (Terms of Service) Directions 2010 (S.I. 2010/1923)

(b) the Ecclesiastical Offices (Terms of Service) (Amendment) Directions 2015 (S.I. 2015/1612).

(12) The amendments made by subsections (2), (3), (7) and (8) are to be treated as having always had effect.

*Note The corresponding Isle of Man direction is revoked by Sch.4.*

(12) The amendments made by subsections (2), (3), (7) and (8) are to be treated as having always had effect.

**Measure as enacted**

(13) Section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009 is to be regarded as having always, until the commencement of subsections (10) and (11) of this section, enabled regulations under that section to confer power on the Archbishops' Council to make directions and to enable directions made under that power to provide for the exercise of a discretion.

(14) The amendment made by subsection (10) does not affect the power to make further regulations amending or revoking the provision made by that amendment.

(15) Section 13 of the Mission and Pastoral etc. (Amendment) Measure 2018 (which makes redundant provision about appointments after retirement age) is repealed.

*Ecclesiastical jurisdiction*

**7 Provincial courts: decisions to be treated as taken by each Court**

(1) After section 14 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, insert —

**“14A Decisions treated as taken by each Court**

(1) A decision of the Arches Court of Canterbury or the Chancery Court of York is to be treated by the other Court, and by the lower ecclesiastical courts in the province of the other Court, as if it were a decision which the other Court had itself taken.

(2) The reference to a decision of the Arches Court of Canterbury or the Chancery Court of York is a reference to a decision taken by it in the exercise of—

- (a) its jurisdiction under section 14(1), (2) or (3), or
- (b) its jurisdiction under section 7 of the Ecclesiastical Jurisdiction Measure 1963 (disciplinary jurisdiction).

(3) “Lower ecclesiastical court”, in relation to a province, means —

- (a) the Vicar-General's court of the province (including as constituted in accordance with the Clergy Discipline Measure 2003)
- (b) the consistory court for a diocese in the province, or
- (c) a disciplinary tribunal within the province.”

(2) In section 7 of the Ecclesiastical Jurisdiction Measure 1963 (Arches Court and Chancery Court: disciplinary jurisdiction), after subsection (3) insert—  
“(3A) For provision as to how a decision of either of those Courts in the exercise of its jurisdiction under this section is to be treated in the province of the other Court, see section 14A of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

(3) This section applies to a decision of the Arches Court of Canterbury or the Chancery Court of York made before the commencement of this section (as well as to a decision made afterwards).

**8 Fees**

(1) In section 1 of the Ecclesiastical Fees Measure

**As proposed to be extended to the Isle of Man**

(13) Section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009 is to be regarded as having always, until the **extension of this section to the Isle of Man**, enabled regulations under that section to confer power on the **Sodor and Man Diocesan Synod** to make directions and to enable directions made under that power to provide for the exercise of a discretion.

*Ecclesiastical jurisdiction*

**7 Provincial courts: decisions to be treated as taken by each Court**

(1) After section 14 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, insert —

**“14A Decisions treated as taken by each Court**

(1) A decision of the Arches Court of Canterbury or the Chancery Court of York is to be treated by the other Court, and by the lower ecclesiastical courts in the province of the other Court, as if it were a decision which the other Court had itself taken.

(2) The reference to a decision of the Arches Court of Canterbury or the Chancery Court of York is a reference to a decision taken by it in the exercise of—

- (a) its jurisdiction under section 14(1), (2) or (3), or
- (b) its jurisdiction under section 7 of the Ecclesiastical Jurisdiction Measure 1963 (disciplinary jurisdiction).

(3) “Lower ecclesiastical court”, in relation to a province, means —

- (a) the Vicar-General's court of the province (including as constituted in accordance with the Clergy Discipline Measure 2003)
- (b) the consistory court for a diocese in the province, or
- (c) a disciplinary tribunal within the province.”

(2) In section 7 of the Ecclesiastical Jurisdiction Measure 1963 (Arches Court and Chancery Court: disciplinary jurisdiction), after subsection (3) insert—  
“(3A) For provision as to how a decision of either of those Courts in the exercise of its jurisdiction under this section is to be treated in the province of the other Court, see section 14A of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

(3) This section applies to a decision of the Arches Court of Canterbury or the Chancery Court of York made before the commencement of this section (as well as to a decision made afterwards).

*Note Equivalent amendments of the Church Fees*

**Measure as enacted**

1986 (parochial fees orders), in subsection (1), for “licensed” substitute “authorised”.

(2) After subsection (1) of that section insert-

“(1A) Subsection (1) does not apply to matters which relate to duties carried out in the course of employment by a university, college, school, hospital or public or charitable institution.”

(3) In the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (“the 2018 Measure”), in section 84 (Fees Advisory Commission: continuation and membership), in subsection (2), for paragraph (a) substitute —

“(a) one person who is a diocesan or suffragan bishop nominated by the House of Bishops (regardless of whether that person is a member of that House);”.

(4) In section 85 of the 2018 Measure (Fees Advisory Commission: procedure), after subsection (5) insert-

“(5A) If the chair of the Commission considers that it has business which can properly be conducted by correspondence, the chair may arrange for written proposals requiring the Commission’s approval to be circulated to members.

(5B) Unless objection is received from members in such numbers and within such period from the date on which they were sent as the Commission may specify, the proposals are to be treated on the expiry of that period as approved by the Commission as if they had been approved at a duly convened meeting.

(5C) The Commission may delegate to the chair the approval of any matter which requires decision and which, because of its urgency, cannot be dealt with at a meeting of the Commission or by correspondence as mentioned in subsection (5A).

(5D) A delegation under subsection (5C) — (a) may be general or specific, and

(b) is subject to such conditions as the Commission may from time to time impose.”

(5) In section 86 of the 2018 Measure (fees orders), after subsection (4) insert-

“(4A) An order under this section may provide for a fee, or a matter relating to the payment of a fee, to be determined —

(a) by a court, ecclesiastical judge, legal officer or other person;

(b) by reference to provision made under an Act of Parliament.”

(6) The amendment made by subsection (5) is to be regarded as having always had effect; and section 5 of the Ecclesiastical Fees Measure 1986 is to be regarded as having always, until its consolidation as section 86 of the 2018 Measure, conferred power to make provision by order for a fee, or a matter relating to the payment of a fee, to be determined by a court, judge or other person or by reference to provision made under an Act of Parliament.

*General Synod*

**As proposed to be extended to the Isle of Man**

*Measure (Isle of Man) 2014 s.4 are made by Sch.4.*

*General Synod*



**Measure as enacted**

**9 Timing of sessions and membership of House committees**

(1) The Constitution of the General Synod, as set out in Schedule 2 to the Synodical Government Measure 1969, is amended as follows.

(2) In Article 3 (meetings of Synod, etc.), after paragraph (1) insert-

“(1A) The General Synod may vary any provision which it has made under paragraph (1) including, in the case of provision for the Synod to meet in session, by cancelling the meeting.

(1B) The Presidents may vary any direction which they have given under paragraph (1) including, in the case of a direction for the Synod to meet in session, by cancelling the meeting.

(1C) The power of the General Synod under paragraph (1A) may be exercised on its behalf by the Presidents and Prolocutors of the Houses of the Convocations and the Prolocutor and Pro-Prolocutor of the House of Laity of the General Synod acting jointly.

(1D) The requirement under paragraph (1) for the General Synod to meet in session at least twice a year shall not apply in so far as a failure to satisfy the requirement is attributable to a cancellation under paragraph (1A) or (1B).”

(3) In Article 10 (appointment of committees), in paragraph (3), for “of their members” substitute “, which may include persons who are not members of that House,”.

(4) Each of the powers under Article 3(1) of the Constitution is to be regarded as having always, until the commencement of subsection (2), included a power to cancel a meeting which had been provided for or directed under Article 3(1); and the requirement under Article 3(1) for the Synod to meet in session at least twice a year is to be regarded as not having applied in so far as a failure to satisfy the requirement was attributable to such a cancellation.

*Statutory bodies: procedure*

**10 Legal Aid Commission: rules**

(1) In section 4 of the Church of England (Legal Aid) Measure 1994 (rules), after subsection (3) insert—

“(3A) Any rules made under subsection (1) may provide for the exercise of a discretion.”

(2) Subsection (1) is to be regarded as having always had effect.

(3) The Schedule (which makes amendments to the Church of England (Legal Aid) Rules 1995) has effect.

(4) The amendments made by that Schedule do not affect the power to make further rules amending or revoking the provision made by those amendments.

**11 Execution of documents**

(1) In section 9 of the Church Commissioners

**As proposed to be extended to the Isle of Man**

**9 Timing of sessions and membership of House committees**

(1) The Constitution of the General Synod, as set out in Schedule 2 to the Synodical Government Measure 1969, is amended as follows.

(2) In Article 3 (meetings of Synod, etc.), after paragraph (1) insert-

“(1A) The General Synod may vary any provision which it has made under paragraph (1) including, in the case of provision for the Synod to meet in session, by cancelling the meeting.

(1B) The Presidents may vary any direction which they have given under paragraph (1) including, in the case of a direction for the Synod to meet in session, by cancelling the meeting.

(1C) The power of the General Synod under paragraph (1A) may be exercised on its behalf by the Presidents and Prolocutors of the Houses of the Convocations and the Prolocutor and Pro-Prolocutor of the House of Laity of the General Synod acting jointly.

(1D) The requirement under paragraph (1) for the General Synod to meet in session at least twice a year shall not apply in so far as a failure to satisfy the requirement is attributable to a cancellation under paragraph (1A) or (1B).”

(3) In Article 10 (appointment of committees), in paragraph (3), for “of their members” substitute “, which may include persons who are not members of that House,”.

(4) Each of the powers under Article 3(1) of the Constitution is to be regarded as having always, until the commencement of subsection (2), included a power to cancel a meeting which had been provided for or directed under Article 3(1); and the requirement under Article 3(1) for the Synod to meet in session at least twice a year is to be regarded as not having applied in so far as a failure to satisfy the requirement was attributable to such a cancellation.

*Statutory bodies: procedure*

**10 Legal Aid Commission: rules**

(1) In section 4 of the Church of England (Legal Aid) Measure 1994 (rules), after subsection (3) insert—

“(3A) Any rules made under subsection (1) may provide for the exercise of a discretion.”

(2) Subsection (1) is to be regarded as having always had effect.

(3) The Schedule (which makes amendments to the Church of England (Legal Aid) Rules 1995) has effect.

(4) The amendments made by that Schedule do not affect the power to make further rules amending or revoking the provision made by those amendments, **and have effect subject to section 4(4) of the said Measure.**

**11 Execution of documents**

(1) In section 9 of the Church Commissioners

**Measure as enacted**

Measure 1947 (sealing and execution of documents), after subsection (3) insert—

“(3A) A document which is signed by two officers of the Commissioners authorised by the Board for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Commissioners, shall have the same effect as if executed under the common seal of the Commissioners.

(3B) An authorisation under subsection (3A) shall have effect subject to such limitations or conditions as may be specified in it.”

(2) In subsection (5) of that section, for “signed by two members of the Board” substitute “signed in accordance with subsection (3) or (3A)”.

*Subs.(3) repealed by Church of England Pensions Measure 2018 Sch.5*

(4) In Schedule 1 to the National Institutions Measure 1998 (Archbishops’ Council: constitution), after paragraph 12 insert—

“12A (1) A document which is signed by two members of the Council and expressed (in whatever form of words) to be executed by the Council shall have the same effect as if executed under the seal of the Council.

(2) A document which is signed by two officers of the Council authorised by the Council for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Council, shall have the same effect as if executed under the seal of the Council.

(3) An authorisation under sub-paragraph (2) shall have effect subject to such limitations or conditions as may be specified in it.

(4) A document executed by the Council which makes clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.

(5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the Council if it purports to be signed in accordance with sub-paragraph (1) or (2).”

(5) In section 3 of the Parochial Church Councils (Powers) Measure 1956 (status of PCC as body corporate), the first sentence of which becomes subsection (1) and the second sentence of which becomes subsection (2), at the end insert—

“(3) An instrument which is signed pursuant to a resolution of the council by two members of the council (whether or not they were present at the meeting at which the resolution was passed) and expressed (in whatever form of words) to be signed on behalf of the council, shall have the same effect as if executed under hands, or under hands and seals, as provided for in subsection (2).

**As proposed to be extended to the Isle of Man**

Measure 1947 (sealing and execution of documents), after subsection (3) insert—

“(3A) A document which is signed by two officers of the Commissioners authorised by the Board for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Commissioners, shall have the same effect as if executed under the common seal of the Commissioners.

(3B) An authorisation under subsection (3A) shall have effect subject to such limitations or conditions as may be specified in it.”

(2) In subsection (5) of that section, for “signed by two members of the Board” substitute “signed in accordance with subsection (3) or (3A)”.

*Subs.(3) repealed by Church of England Pensions Measure 2018 Sch.5*

(4) In Schedule 1 to the National Institutions Measure 1998 (Archbishops’ Council: constitution), after paragraph 12 insert—

“12A (1) A document which is signed by two members of the Council and expressed (in whatever form of words) to be executed by the Council shall have the same effect as if executed under the seal of the Council.

(2) A document which is signed by two officers of the Council authorised by the Council for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Council, shall have the same effect as if executed under the seal of the Council.

(3) An authorisation under sub-paragraph (2) shall have effect subject to such limitations or conditions as may be specified in it.

(4) A document executed by the Council which makes clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.

(5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the Council if it purports to be signed in accordance with sub-paragraph (1) or (2).”

(5) In section 3 of the Parochial Church Councils (Powers) Measure 1956 (status of PCC as body corporate), the first sentence of which becomes subsection (1) and the second sentence of which is **omitted**, at the end insert—

**“(3) Any act of the council may be signified by an instrument —**

**(a) signed pursuant to a resolution of the council by two members of the council (whether or not they were present at the meeting at which the resolution was passed, and whether or not an instrument under seal would be required apart from this subsection), and**

**(b) expressed (in whatever form of words) to be**

**Measure as enacted**

(4) A document executed by the council which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.

(5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the council if it purports to be signed in accordance with subsection (3)."

(6) A provision of a Measure (whether passed before or after the commencement of this section) enabling a relevant body to make an instrument or execute a document by applying its seal is also to have effect as enabling the body to make the instrument or execute the document by having it signed in accordance with the relevant provision; and the instrument or document is accordingly to be treated as sealed on the date on which it is so signed.

(7) For the purposes of subsection (6), each of the bodies specified in the first column of the Table below is a relevant body; and the relevant provision in the case of that body is the provision specified opposite in the second column-

<i>Relevant body</i>	<i>Relevant provision</i>
Church Commissioners	Section 9(3) or (3A) of the Church Commissioners Measure 1947.
Church of England Pensions Board	[In Schedule 1 to the Church of England Pensions Measure 2018, paragraph 11(3) or (4)] <sup>1</sup>
Archbishops' Council	In Schedule 1 to the National Institutions Measure 1998, paragraph 12A.

(8) In each of the following provisions relating to the sealing of instruments, for "comes into force when" substitute "may not come into force unless"-

(a) section 6A(4) of the Parochial Church Councils (Powers) Measure 1956;

(b) section 5A(5) of the Incumbents and Churchwardens (Trusts) Measure 1964;

(c) paragraph 7(5) of Schedule 4 to the Mission and Pastoral Measure 2011;

(d) section 6(6) of the Safeguarding and Clergy Discipline Measure 2016.

(9) The amendments made by subsection (8) are to be regarded as having always had effect.

**12 Delegation and casual vacancies**

(1) In section 37 of the Ecclesiastical Jurisdiction and

**As proposed to be extended to the Isle of Man signed on behalf of the council.**

(4) A document executed by the council which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.

(5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the council if it purports to be signed in accordance with subsection (3)."

(6) A provision of a Measure (whether passed before or after the commencement of this section) enabling a relevant body to make an instrument or execute a document by applying its seal is also to have effect as enabling the body to make the instrument or execute the document by having it signed in accordance with the relevant provision; and the instrument or document is accordingly to be treated as sealed on the date on which it is so signed.

(7) For the purposes of subsection (6), each of the bodies specified in the first column of the Table below is a relevant body; and the relevant provision in the case of that body is the provision specified opposite in the second column-

<i>Relevant body</i>	<i>Relevant provision</i>
Church Commissioners	Section 9(3) or (3A) of the Church Commissioners Measure 1947.
Church of England Pensions Board	[In Schedule 1 to the Church of England Pensions Measure 2018, paragraph 11(3) or (4)]
Archbishops' Council	In Schedule 1 to the National Institutions Measure 1998, paragraph 12A.

**12 Delegation and casual vacancies**

(1) In section 37 of the Ecclesiastical Jurisdiction and

<sup>1</sup> Amended by Church of England Pensions Measure 2018 Sch.3 para.7

**Measure as enacted**

Care of Churches Measure 2018 (diocesan advisory committees: functions), after subsection (9) insert—

“(9A) The committee may delegate the exercise of any of its functions to an officer of the committee.”

(2) In Schedule 4 to the Dioceses, Pastoral and Mission Measure 2007 (the Church Buildings Council), after paragraph 22 (but before the following cross-heading) insert —

*“Delegation to officers*

22A The Council may delegate to an officer such functions as it thinks fit.”

(3) In paragraph 10 of Schedule 1 to that Measure (the Dioceses Commission: casual vacancy in office of chair or vice-chair), for “a person from among the members of the House of Clergy and House of Laity to fill the vacancy” substitute “a person to fill the vacancy in accordance with that paragraph;”.

*Charities*

**13 Disqualification as trustee**

(1) In section 4(4) of the Cathedrals Measure 1999 (disqualification from the Chapter), after “section 178 of the Charities Act 2011” insert “or by an order under section 181A of that Act”.

(2) Subsection (1) applies in a case where a person is, immediately before the commencement of that subsection, disqualified from being a charity trustee by an order under section 181A of the Charities Act 2011 (as well as in a case where a person becomes so disqualified after that commencement).

(3) In section 2(1) of the Churchwardens Measure 2001 (disqualification as charity trustee) —

(a) after “if” insert “ —

(a) ”, and

(b) after “the parish concerned” insert “, or

(b) the person is disqualified from being a charity trustee by an order under section 181A of that Act.”

(4) Section 8(1)(c) of that Measure (vacation of office on disqualification) applies in a case where a churchwarden is, immediately before the commencement of subsection (3), disqualified from being a charity trustee by an order under section 181A of the Charities Act 2011 (as well as in a case where a churchwarden becomes so disqualified after that commencement).

**14 Provision of services to PCC by member**

(1) After section 7 of the Parochial Church Councils (Powers) Measure 1956 (“the 1956 Measure”) insert—

**“7A Provision of services to council by member**

In its application to a council, section 185 of the Charities Act 2011 (remuneration of charity trustees providing services to charity) has effect as if, in subsection (3)(a), the words “or under a contract of employment” were omitted (and a council may, accordingly, enter into a contract of employment with a member or connected person under which

**As proposed to be extended to the Isle of Man**

Care of Churches Measure 2018 (diocesan advisory committees: functions), after subsection (9) insert—

“(9A) The committee may delegate the exercise of any of its functions to an officer of the committee.”

**Measure as enacted**

remuneration is provided”

(2) Section 3A of the 1956 Measure (employment of members and other contractual services) is repealed.

(3) In consequence of that repeal, section 5(2) of the Church of England (Miscellaneous Provisions) Measure 2014 (which inserted section 3A into the 1956 Measure) is repealed.

(4) The repeals in subsections (2) and (3) do not affect any contract entered into under section 3A of the 1956 Measure or any benefit (whether direct or indirect) received or yet to be received under the contract; but this subsection does not affect the application of section 16 of the Interpretation Act 1978.

*Mission and Pastoral*

**15 Pastoral schemes and orders: notice and approval, etc.**

(1) In each of sections 9(3) and 24(3) of the Mission and Pastoral Measure 2011 (schemes and orders: notice), for paragraphs (b) and (c) substitute —

“(b) to make such arrangements as are practicable, in the case of each of those churches or buildings at which one or more services are to be held in the period in which representations may be made in accordance with the notice, for announcements to be made at the service or, if there is more than one held there in that period, at as many of them as is practicable with a view to ensuring that as many of those who habitually attend public worship there as is practicable are aware of the contents of the notice.”

(2) In each of sections 11(4A) and 26(5) of that Measure (proposals included in deanery plan), for the words from “, shall seal a copy” to the end substitute “and unless they consider that there are material considerations which indicate that it should not be made, shall comply with the duties imposed by subsection (2)(a) and (b); and references in this Measure to a notice under subsection (2) shall be read accordingly.”

(3) In each of sections 11(8) and 26(7) of that Measure (meaning of “deanery plan”), after “approved by the deanery synod of each deanery which would be affected by implementation of the plan” insert “and by the mission and pastoral committee”.

(4) In section 28 of that Measure (application of provisions on pastoral schemes and orders to pastoral church buildings schemes), at the end insert “; and for that purpose, a reference in section 12 or Schedule 2 to a notice under section 11(2) includes a reference to a notice under section 26(2).”

(5) In Schedule 3 to that Measure (pastoral schemes and orders: supplementary provision), in paragraph 9 (church and parochial trusts) in sub-paragraph (10)-

(a) after “fund” insert “or”, and

(b) for “section 76” substitute “section 77”.

**16 Bishop’s mission order**

(1) In section 82 of the Mission and Pastoral Measure 2011 (mission initiative: supplementary provision), in

**As proposed to be extended to the Isle of Man**

*Note Equivalent amendments of the Mission and Pastoral Measure (Isle of Man) 2012 Sch.2 are made by the Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2.*

*Note Equivalent provision in the Mission and Pastoral Measure (Isle of Man) 2012 Sch.6A is made by the Mission and Pastoral (Amendment) Measure (Isle of*

**Measure as enacted**

subsection (6), for the words from the beginning to “any such order” substitute “An order varying a bishop’s mission order”.

(2) In section 83 of that Measure (mission initiative: review etc.), in subsection (7), omit paragraph (b) (which provides that a further mission order may be made following a review only if there are no other suitable means by which the initiative or its objectives can be achieved) and the preceding “and”.

*Final*

**17 Short title, commencement and extent**

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2018.

(2) The following provisions come into force on the day on which this Measure is passed —

(a) section 2 (Church Commissioners: land registration requirements on disposals of land);

(b) sections 6(2), (3), (7), (8) and (12), 8(5) and (6), 10(1) and (2) and 11(8) and (9) (which make consequential amendments and minor technical provisions about certain powers to make subordinate legislation);

(c) section 9(1), (2) and (4) (General Synod: power to vary or cancel meetings in session);

(d) paragraphs 1 and 7 of the Schedule (Legal Aid rules: delayed delivery of bill) and section 10(3) and (4) so far as relating to them;

(e) this section.

(3) But if section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 is not in force when this Measure is passed, subsection (2)(b) of this section has effect as if the reference to section 8(4) and (5) of this Measure were omitted.

(4) The other provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.

(5) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.

(6) Transitory provision under subsection (5) may, in particular, modify the application of a provision of this Measure pending the commencement of a provision of another Measure.

(7) The power to make an order under subsection (4) or (5) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

(8) This Measure extends to —

(a) the whole of the province of Canterbury, except the Channel Islands (subject to subsection (9)), and

(b) the whole of the province of York, except the Isle of Man (subject to subsection (10)).

**As proposed to be extended to the Isle of Man  
Man) 2018 Sch.1.**

*Final*

**17 Short title, commencement and extent**

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2018.

**Measure as enacted**

**As proposed to be extended to the Isle of Man**

(9) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them has.

(10) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure extends to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument.

SCHEDULE Section10

SCHEDULE Section10

AMENDMENTS TO CHURCH OF ENGLAND (LEGAL AID) RULES 1995

AMENDMENTS TO CHURCH OF ENGLAND (LEGAL AID) RULES 1995

*Note As these amendments are only procedural and are extended without modification, they are omitted from this text.*

## Schedule 3 — Church of England (Miscellaneous Provisions) Measure 2020 (No.1)

### **Measure as enacted**

#### *Religious communities*

##### **1 Members of religious communities**

(1) The General Synod may make provision by Canon to enable a bishop to admit into Holy Orders a person who is a member of a religious community.

(2) After section 2 of the Extra-Parochial Ministry Measure 1967 insert—

##### **“2A Ministry by member of religious community**

(1) The bishop of a diocese may licence a member of a religious community who is in Holy Orders to perform in the diocese the offices and services specified in the licence for the furtherance of the work and mission of that community.

(2) A licence under this section may not specify the solemnization of marriage.

(3) The performance of offices or services in accordance with a licence under this section does not require the consent, and is not subject to the control, of the minister of the parish in which they are performed.

(4) In this section, “religious community” has the same meaning as in the Canons (see Canon DA 1).”

(3) In the Church Representation Rules, set out in Schedule 3 to the Synodical Government Measure 1969, in rule 46(1) (membership of House of Laity), in paragraph (c), omit “having their mother house”.

(4) In rule 84 of those Rules (interpretation: minor definitions), in paragraph (1), at the appropriate place insert—

““religious community” means a religious community which comes within the meaning given in the Canons (see Canon DA 1) and is designated by the House of Bishops for the purposes of these Rules;”.

(5) In section 38 of the Ecclesiastical Jurisdiction and Churches Measure 2018 (the list of places of worship), in subsection (4), at the appropriate place insert—

““religious community” has the same meaning as in the Canons (see Canon DA 1).”.

#### *Ministry*

##### **2 National ministry register**

(1) The Archbishops’ Council may by regulations require the bishop of each diocese or the holder of any other specified office in the Church of England to provide the Council within a specified period with specified information about—

(a) each clerk in holy orders who has authority to exercise ministry in the diocese or other area or place concerned,

(b) each other person who has authority of such description as the regulations may specify to exercise ministry in the diocese or other area or place

### **As proposed to be extended to the Isle of Man**

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(4) In this section, “religious community” has the same meaning as in the Canons (see Canon DA 1).”

(3) In the Church Representation Rules, set out in Schedule 3 to the Synodical Government Measure 1969, in rule 46(1) (membership of House of Laity), in paragraph (c), omit “having their mother house”.

(4) In rule 84 of those Rules (interpretation: minor definitions), in paragraph (1), at the appropriate place insert—

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(b) each other person who has authority of such description as the regulations may specify to exercise ministry in the diocese or other area or place



**Measure as enacted**

concerned.

(2) The regulations may require a person who is subject to a requirement by virtue of subsection (1) to provide the Archbishops' Council, as frequently as is specified, with specified information about each person—

(a) who becomes authorised to exercise ministry in the diocese or other area or place concerned,

(b) whose authority to exercise ministry there is varied, or

(c) who ceases to be authorised to exercise ministry there.

(3) The information which the regulations may specify about a person for the purposes of subsection (1) or (2) includes—

(a) the person's name and address,

(b) the form of authority to exercise ministry which the person has,

(c) the area, place or activity to which the authority relates, and

(d) any limitation of time to which the authority is subject.

(4) The Archbishops' Council must compile and maintain a register of the information provided to it under the regulations.

(5) The Archbishops' Council must publish and make available free of charge (in each case, whether in electronic form or otherwise) such of the information on the register as the regulations require; but the regulations may not require a person's home address or other personal contact information to be published or made available.

(6) In acting under subsections (4) and (5), the Archbishops' Council may compile a register of the information referred to in subsection (1)(a), and publish and make available information on that register, before it compiles a register of the information referred to in subsection (1)(b) or (c) and publishes and makes available information on that register.

(7) Regulations under this section may make different provision for different purposes.

(8) Regulations under this section may not be made unless—

(a) a draft of the regulations has been laid before the General Synod and approved by it with or without amendment, and

(b) the draft so approved has been referred to the Archbishops' Council.

(9) On referral of the draft, the Council may—

(a) if the draft was approved without amendment, make the regulations by applying its seal, or

(b) if the draft was approved with amendment—

(i) make the order by applying its seal, or

(ii) withdraw the draft for further consideration.

**As proposed to be extended to the Isle of Man**

concerned.

(2) The regulations may require a person who is subject to a requirement by virtue of subsection (1) to provide the Archbishops' Council, as frequently as is specified, with specified information about each person—

(a) who becomes authorised to exercise ministry in the diocese or other area or place concerned,

(b) whose authority to exercise ministry there is varied, or

(c) who ceases to be authorised to exercise ministry there.

(3) The information which the regulations may specify about a person for the purposes of subsection (1) or (2) includes—

(a) the person's name and address,

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(7) Regulations under this section may make different provision for different purposes.

(8) Regulations under this section may not be made unless—

(a) a draft of the regulations has been laid before the General Synod and approved by it with or without amendment, and

(b) the draft so approved has been referred to the Archbishops' Council.

(9) On referral of the draft, the Council may—

(a) if the draft was approved without amendment, make the regulations by applying its seal, or

(b) if the draft was approved with amendment—

(i) make the order by applying its seal, or

(ii) withdraw the draft for further consideration.

**Measure as enacted**

(10) Regulations under this section may not come into force unless they are sealed by the Council.

(11) If the Business Committee of the General Synod determines that a draft of regulations under this section does not need to be debated by the Synod, the draft is to be treated as approved for the purposes of this section unless a member of the Synod gives notice in accordance with its standing orders that the member—

(a) wishes the draft of the regulations to be debated, or

(b) wishes to move an amendment to it.

(12) The power to make regulations under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—

(a) as if the regulations had been made by a Minister of the Crown, and

(b) as if this Measure were an Act of Parliament providing for the instrument containing the regulations to be subject to annulment in pursuance of a resolution of either House of Parliament.

**3 Funerals: conduct by lay person**

(1) In section 4 of the Church of England (Miscellaneous Provisions) Measure 2018 (funerals: conduct), after subsection (1) insert—

“(1A) A duly authorised deaconess, reader or lay worker (a “lay officeholder”) may, with the consent of the incumbent or priest-in-charge of the benefice or parish to which the lay office-holder is licensed, perform a funeral service in a crematorium, cemetery or other place which is not a church or churchyard, and in which the lay officeholder would not otherwise be entitled to perform the service if—

(a) the persons concerned have asked the lay officeholder to perform the service, and

(b) the lay officeholder has, so far as practicable, informed the relevant minister and sought his or her goodwill.

(1B) The reference in subsection (1A) to the incumbent or priest-in-charge of the benefice or parish is, where there is no such person, to be read as a reference to the rural dean of the deanery in which the benefice or parish is situated.”

(2) In subsection (3) of that section, after “subsection (1)” insert “or (1A)”.

(3) In subsection (4) of that section, for “subsection (1)” substitute “subsections (1) and (1A)”.

*Ecclesiastical jurisdiction*

**4 Fees: exemption, reduction or remission**

(1) In section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (fees orders), after subsection (3) insert—

“(3A) An order under this section may contain provision as to—

(a) exemptions from or reductions in fees;

**As proposed to be extended to the Isle of Man**

(10) Regulations under this section may not come into force unless they are sealed by the Council.

(11) If the Business Committee of the General Synod determines that a draft of regulations under this section does not need to be debated by the Synod, the draft is to be treated as approved for the purposes of this section unless a member of the Synod gives notice in accordance with its standing orders that the member—

(a) wishes the draft of the regulations to be debated, or

(b) wishes to move an amendment to it.

(12) The power to make regulations under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—

(a) as if the regulations had been made by a Minister of the Crown, and

(b) as if this Measure were an Act of Parliament providing for the instrument containing the regulations to be subject to annulment in pursuance of a resolution of either House of Parliament.

**3 Funerals: conduct by lay person**

(1) In section 4 of the Church of England (Miscellaneous Provisions) Measure 2018 (funerals: conduct), after subsection (1) insert—

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(a) the persons concerned have asked the lay officeholder to perform the service, and

(b) the lay officeholder has, so far as practicable, informed the relevant minister and sought his or her goodwill.

(1B) The reference in subsection (1A) to the incumbent or priest-in-charge of the benefice or parish is, where there is no such person, to be read as a reference to the **archdeacon**.”

(2) In subsection (3) of that section, after “subsection (1)” insert “or (1A)”.

(3) In subsection (4) of that section, for “subsection (1)” substitute “subsections (1) and (1A)”.

*Ecclesiastical jurisdiction*

*Note Equivalent amendments of the Church Offices Measure (Isle of Man) 2011 Sch. and Church Fees Measure (Isle of Man) 2014 s.7 are made by Sch.4.*

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**As proposed to be extended to the Isle of Man**

(b) remission of fees in whole or in part.”

(2) Before subsection (4A) of that section, which is to be renumbered as subsection (4B), insert—

“(4A) The incidental provision which may be made under subsection (4) in the case of an order which contains provision under subsection (3A) includes provision for the diocesan board of finance to pay the amounts which would be payable were it not for an exemption, reduction or remission provided for by the order.”

*Care of churches*

*Care of churches*

**5 Cathedrals: power to vary or revoke approvals**

(1) In section 8 of the Care of Cathedrals Measure 2011 (application for approval of fabric advisory committee), after subsection (3) insert—

“(4) The fabric advisory committee, whether on the application of the Chapter or on its own initiative, may vary or revoke an approval, or a condition of an approval, given under this section.

(5) The fabric advisory committee may not exercise the power under subsection (4) in a way which would, in its opinion, result in the approval of a proposal substantially different from the proposal originally given approval.

(6) Subsection (3) applies to a decision by the fabric advisory committee to exercise, or not to exercise, the power under subsection (4) as it applies to a decision by it whether to give, or to refuse to give, its approval to a proposal.

(7) For the purposes of subsection (6), subsection (3) has effect as if for paragraph (c) there were substituted—

“(c) to any body or person to whom notice of the original application was required to be sent by virtue of subsection (1)(b).”

(2) In section 9 of that Measure (application for approval of Cathedrals Fabric Commission), after subsection (7) insert—

“(7A) The Commission, whether on the application of the Chapter or on its own initiative, may vary or revoke an approval, or a condition of an approval, given under this section (including an approval given by virtue of subsection (8)).

(7B) The Commission may not exercise the power under subsection (7A) in a way which would, in its opinion, result in the approval of a proposal substantially different from the proposal originally given approval.

(7C) Subsection (7) applies to a decision by the Commission to exercise, or not to exercise, the power under subsection (7A) as it applies to a decision by it whether to give, or to refuse to give, its approval to a proposal.”

(3) In section 10 of that Measure (appeal to Cathedrals Fabric Commission), after subsection (1) insert—

**Measure as enacted**

**As proposed to be extended to the Isle of Man**

“(1A) Where the fabric advisory committee decides to exercise, or not to exercise, the power under section 8(4) to vary or revoke an approval or a condition of an approval, the Chapter may within the prescribed period appeal to the Commission.”

(4) In subsection (3) of that section, after “subsection (1)” insert “or (1A)”.

(5) In section 11 of that Measure (Commission of Review), in subsection (1), after paragraph (a) and the following “or” insert—

“(aa) the Commission decides to exercise, or not to exercise, the power under section 9(7A) to vary or revoke an approval or a condition of an approval, or”.

(6) In that section, after paragraph (b) insert “or

(c) on an appeal to the Commission under section 10(1A), the Commission refuses to reverse or vary a decision or any part of a decision by the fabric advisory committee to exercise, or not to exercise, the power under section 8(4) to vary or revoke an approval or a condition of an approval,”.

(7) In section 13 of that Measure (registers of applicants), after subsection (1) insert— “(1A) Each register kept under subsection (1) must, if an approval dealt with by the body keeping the register is varied or revoked or a condition of such an approval is varied or revoked, record the variation or revocation.”

(8) In section 14 of that Measure (right of appeal by tenant), in subsection (1)—

(a) after “Where the Commission or a fabric advisory committee” insert “—

(a)”,

(b) after “subject to conditions,” insert “or

(b) has decided to exercise, or not to exercise, the power to vary or revoke an approval or a condition of an approval for a proposal for the carrying out of works by a tenant for which the Chapter’s consent is required,”, and

(c) the words from “the tenant may,” to the end become full-out words beneath the new paragraphs (a) and (b).

**6 Disused burial grounds: approval for building, etc.**

(1) In section 2 of the Care of Cathedrals Measure 2011 (approval required for alterations to cathedrals), after subsection (2) insert—

“(2A) The Chapter of a cathedral shall not implement or consent to the implementation of a proposal for the erection of a building on a disused burial ground the fee simple in which is vested in the corporate body, unless the proposal has been approved under this Measure.

(2B) The requirement under subsection (2A) for the approval of a proposal is in addition to any requirement under subsection (1) for the approval of the proposal.”

(2) In section 5 of that Measure (fabric advisory

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**As proposed to be extended to the Isle of Man**

committee), after subsection (1) insert—

“(1A) But the power under subsection (1)(b) may not be exercised in relation to proposals of the kind described in section 2(2A).”

(3) In section 6 of that Measure (body to which applications for approval are to be made), in subsection (1), after paragraph (a) and the following “or”, insert—

“(aa) the proposal would involve the erection of a building on a disused burial ground, or”.

(4) In section 9 of that Measure (applications to Cathedrals Fabric Commission), in each of subsections (1) and (7)(e), after “a proposal of a kind described in section 2(1)(a)” insert “or (2A)”.

(5) After subsection (3) of that section insert—

“(3A) In the case of a proposal of the kind described in section 2(2A), the Commission may, in spite of section 3 of the Disused Burial Grounds Act 1884 (which prohibits building on disused burial grounds except for the purpose of enlarging a place of worship), give its approval if either of the following conditions is met.

(3B) The first condition is that no interments have taken place in the land on which the building is to stand during the period of 50 years preceding the date of the application for approval of the proposal.

(3C) The second condition is that—

(a) no personal representative or relative of a person whose remains have been interred in the land during that period has objected to the proposal, or

(b) any such objection has been withdrawn.

(3D) In subsection (3C), “relative”, in relation to a person, means—

(a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or

(b) a person who is, or is a child of, a brother, sister, uncle or aunt of the person.”

(6) In each of rules 7(4)(c) and 19(3)(e) of, and in each of Forms 8, 9, 20 and 21 in Schedule 2 to, the Care of Cathedrals Rules 2006 (S.I. 2006/1941) (requirements to notify local planning authority of application), after “section 2(1)(a)” insert “or (2A)”.

(7) The Schedule (which updates certain cross-references in the Care of Cathedrals Rules 2006) has effect.

(8) The amendments made by subsection (6) and the Schedule do not affect the power to make further rules amending or revoking the provision made by those amendments.

(9) In section 44 of the Mission and Pastoral Measure 2011 (use of certain churchyards and burial grounds), after subsection (6) insert—

“(7) In this section “relative”, in relation to a person, means—

(a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or

**Measure as enacted**

(b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.”

(10) In section 63 of that Measure (contents of pastoral (church buildings disposal) scheme), after subsection (14) insert—

“(15) In this section “relative”, in relation to a person, means—

(a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or

(b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.”

(11) In section 64 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (erection of building on disused burial ground), after subsection (4) insert—

“(5) “Relative”, in relation to a person, means—

(a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or

(b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.”

**7 Inspection of churches etc: appointment of inspector**

(1) In section 45 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (“the 2018 Measure”) (scheme for inspections), in subsection (2) —

(a) in paragraph (c), for “one or more qualified persons approved by the advisory committee” substitute “persons”, and

(b) omit paragraphs (d) and (e).

(2) After subsection (2) of that section insert—

“(2A) In relation to each church in the diocese, the provision specified in subsection (2)(c) must provide—

(a) for the PCC of the parish in which the church is situated to appoint a person to inspect the church and to make a report on the inspection,

(b) for the PCC not to make the appointment unless it —

(i) has obtained, and had regard to, advice from the advisory committee on the appointment, and

(ii) is satisfied that the person to be appointed has the necessary qualifications and experience, and

(c) for a copy of the report on the inspection to be sent to—

(i) the archdeacon of the archdeaconry in which the church is situated,

(ii) the PCC,

(iii) the incumbent of the benefice to which the parish in which the church is situated belongs, and

(iv) the secretary of the advisory committee.

(2B) In relation to each relevant building in the diocese, the provision specified in subsection (2)(c) must provide—

(a) for the manager of the building to appoint a person

**As proposed to be extended to the Isle of Man**

**7 Inspection of churches etc: appointment of inspector**

(1) In section 45 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (“the 2018 Measure”) (scheme for inspections), in subsection (2) —

(a) in paragraph (c), for “one or more qualified persons approved by the advisory committee” substitute “persons”, and

(b) omit **paragraph (d)**.

(2) After subsection (2) of that section insert—

“(2A) In relation to each church in the diocese, the provision specified in subsection (2)(c) must provide—

(a) for the PCC of the parish in which the church is situated to appoint a person to inspect the church and to make a report on the inspection,

(b) for the PCC not to make the appointment unless it —

(i) has obtained, and had regard to, advice from the advisory committee on the appointment, and

(ii) is satisfied that the person to be appointed has the necessary qualifications and experience, and

(c) for a copy of the report on the inspection to be sent to—

(i) the archdeacon ...,

(ii) the PCC,

(iii) the incumbent of the benefice to which the parish in which the church is situated belongs, and

(iv) the secretary of the advisory committee.

**Measure as enacted**

to inspect the building and to make a report on the inspection,

(b) for the manager of the building not to make the appointment unless the manager—

(i) has obtained, and had regard to, advice from the advisory committee on the appointment, and

(ii) is satisfied that the person to be appointed has the necessary qualifications and experience, and

(c) for a copy of the report on the inspection to be sent to—

(i) the archdeacon of the archdeaconry in which the building is situated,

(ii) the secretary of the advisory committee, and

(iii) the Church Buildings Council.”

(3) In subsection (3) of that section (power to establish further scheme), in paragraph (b), for “subsection (2) (a) to (e)” substitute “subsection (2)(a) to (c)”.

(4) After subsection (4) of that section insert—

“(4A) In exercising a function under the scheme referred to in this section, a PCC, the manager of a relevant building or an advisory committee must have regard to any guidance issued by the Church Buildings Council.”

(5) After subsection (5) of that section insert—

“(5A) A reference to the manager of a relevant building is—

(a) if the building is held on charitable trusts, a reference to the persons who have the general control and management of the administration of the charity;

(b) in any other case, a reference to the person who has the general control and management of the building.”

(6) Omit subsection (6) of that section (which defines “qualified person”).

(7) In section 47 of the 2018 Measure (archdeacon’s power to require inspection of church), in subsection (1), omit “by a qualified person”.

(8) Omit subsection (7) of that section (which defines “qualified person”).

(9) In section 48 of the 2018 Measure (power to require inspection of other place of worship), in each of subsections (1) and (2), omit “by a qualified person”.

(10) In subsection (4) of that section, for “and “qualified person” each have” substitute “has”.

**Parochial registers and records**

**8 Parochial registers**

(1) In section 25 of the Parochial Registers and Records Measure 1978 (interpretation), after subsection (1) insert— “(1A) In the case of a register book of services which is, by virtue of Canon F 12, kept in an electronic or other form approved by the General Synod—

(a) a reference in this Measure to the register book of

**As proposed to be extended to the Isle of Man**

(3) In subsection (3) of that section (power to establish further scheme), in paragraph (b), for “subsection (2) (a) to (e)” substitute “subsection (2)(a) to (c)”.

(6) Omit subsection (6) of that section (which defines “qualified person”).

(7) In section 47 of the 2018 Measure (archdeacon’s power to require inspection of church), in subsection (1), omit “by a qualified person”.

(8) Omit subsection (7) of that section (which defines “qualified person”).

*Note Equivalent amendments of the Church Records Measure (Isle of Man) 2000 ss.12 & 31 are made by Sch.4.*

**Measure as enacted**

**As proposed to be extended to the Isle of Man**

services includes (where the context allows) a reference to that register book in that form, and

(b) a reference in this Measure to an electronic register book of services is to be construed in accordance with this subsection.”

(2) After section 6 of that Measure insert—

“6A Access to electronic register book of services

(1) This section applies where there is an online facility provided by one or more of the National Institutions of the Church of England for enabling any person who has the custody of an electronic register book of services to allow any of the National Institutions and certain other persons to have access to the information contained in that register book.

(2) Every person who has the custody of an electronic register book of services must follow the procedure provided for by the online facility so as to allow any of the National Institutions of the Church of England, and such other persons as the Institution or Institutions concerned may authorise, to have access to the information contained in that register book.

(3) Where a person is given access under subsection (2) to the information contained in an electronic register book of services, the person shall be responsible for the safe-keeping, care and preservation of the information which the person obtains as a result.”

(3) After section 16 of that Measure insert—

“16A Making electronic register book of services available for certain purposes

(1) Any person who has the custody of an electronic register book of services may, for a limited period and in the manner approved by the bishop of the diocese concerned, make the register book available for the purpose of exhibition or research or for the purpose of enabling a copy to be made of the register book or any part of it.

(2) The power conferred by subsection (1) may be exercised at the request of any person; but, whether or not such a request is made, the power may be exercised only with the consent of the parochial church council concerned.

(3) Where such a request is refused or the parochial church council refuses to give its consent, the bishop of the diocese concerned may, on the application of the person who made the request, order the register book to be made available for the period and in the manner specified in the order.

(4) Before exercising the power under subsection (3), the bishop must give the person who has the custody of the register book and the parochial church council concerned an opportunity to make representations.”

(4) In section 24 of that Measure (service of notices and orders), in subsection (1), after “or by post” insert “, or by electronic means”.

**9 Parochial records**

(1) In section 25 of the Parochial Registers and

*Note An equivalent amendment of the Church Records Measure (Isle of Man) 2000 s.31 is made by*



**Measure as enacted**

Records Measure 1978 (interpretation), in subsection (1), for the definition of “records” and the definition of “records in parochial custody” substitute—

““records” means materials in written or other form setting out facts or events or otherwise recording information; but a reference to a record does not include a reference to—

- (a) a register book,
- (b) anything which is or has been fixed to the fabric of a parish church or other place of public worship in a parish, or
- (c) a photograph or picture which is or has been displayed in a parish church or other place of public worship in a parish; “records in parochial custody” means records—

(a) in the custody of an incumbent or priest in charge or of churchwardens or of a parochial church council, or

(b) in the joint custody of any of those mentioned in paragraph (a).”

(2) In that section, after subsection (1A) (inserted by section 8(1)) insert—

“(1B) In subsection (1), the reference in each of paragraphs (b) and (c) of the definition of “records” to a parish church or other place of public worship in a parish includes a reference to—

- (a) an adjoining building used wholly or mainly as a vestry or sacristy, and
- (b) a church hall.”

*Statutory bodies: procedure*

**10 Cathedrals Fabric Commission: delegation to officers**

In section 3 of the Care of Cathedrals Measure 2011 (the Cathedrals Fabric Commission), after subsection (3) insert—

“(3A) The Commission may delegate to an officer such functions as it thinks fit.”

**11 Diocesan Advisory Committee: limit on successive terms of office**

(1) In Schedule 2 to the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (diocesan advisory committee: constitution), in paragraph 3 (membership: term of office), at the end insert—

“(4) A person who has served as the chair or as a member under paragraph 2(3)(a) or (b) or as either for two successive terms of office, or such greater number as has been authorised under subparagraph (5) below, may not be reappointed (either as the chair or as a member under paragraph 2(3)(a) or (b)) or co-opted until the next occasion after the end of that period of office on which new appointments are to be made under paragraph 2(6).

(5) In the case of a person who is serving the second of two successive terms of office as the chair or as a member under paragraph 2(3)(a) or (b) or as either, the diocesan synod may authorise the person, on the

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*Sch.4.*

**Measure as enacted**

expiry of the second term, to continue to hold office (either as the chair or as a member under paragraph 2(3)(a) or (b)) for one or more further successive terms.

(6) The diocesan synod may not give an authorisation under subparagraph (5) unless—

(a) the person who has the function under paragraph 2 of making appointments to the office to which the authorisation would apply has obtained the advice of the Church Buildings Council on the authorisation, and

(b) the diocesan synod has been provided with that advice.

(7) Sub-paragraphs (4) to (6) do not apply in a case where the first of the successive terms of office was held by virtue of an appointment to fill a casual vacancy.”

(2) Subsection (1) does not apply to a term of office which began before the commencement of this section.

*Landlord and tenant*

**12 Validity of lease**

(1) Where a leasehold interest in land is vested in a diocesan board of finance, the fact that, on the grant of the lease, the board was also the landlord of the property which is subject to the leasehold interest does not affect the validity of the grant of the lease (or, accordingly, the lease’s capability of being registered).

(2) The references in subsection (1) to a diocesan board of finance are, in a case where the leasehold interest is vested under section 6 of the Parochial Church Councils (Powers) Measure 1956 or section 3 of the Incumbents and Churchwardens (Trusts) Measure 1964 in a body other than the board, to be read as references to that other body.

(3) Subsections (1) and (2) are to be regarded as having always had effect.

*Pensions*

**13 Pensions: minor amendments**

(1) In section 11 of the Church of England Pensions Measure 2018 (liability of the Church Commissioners), at the end insert—

“(4) This section does not affect any liability of the Church Commissioners in their capacity as a responsible body within the meaning of section 10.”

(2) The Pensions (Pre-consolidation) Order 2018 (S.I. 2018/906) is revoked.

*Updating, etc.*

**14 The Constitution of General Synod: replacement of outdated terms**

(1) The Constitution of the General Synod, as set out in Schedule 2 to the Synodical Government Measure 1969, is amended as follows.

(2) In each of Articles 3(1C), 7(4), 7(6) and 8(2), for

**As proposed to be extended to the Isle of Man**

*Landlord and tenant*

**12 Validity of lease**

(1) Where a leasehold interest in land is vested in a diocesan board of finance, the fact that, on the grant of the lease, the board was also the landlord of the property which is subject to the leasehold interest does not affect the validity of the grant of the lease (or, accordingly, the lease’s capability of being registered).

(2) The references in subsection (1) to a diocesan board of finance are, in a case where the leasehold interest is vested under section 6 of the Parochial Church Councils (Powers) Measure 1956 or section 3 of the Incumbents and Churchwardens (Trusts) Measure 1964 in a body other than the board, to be read as references to that other body.

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*Pensions*

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(1) In section 11 of the Church of England Pensions Measure 2018 (liability of the Church Commissioners), at the end insert—

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(2) The Pensions (Pre-consolidation) Order 2018 (S.I. 2018/906) is revoked.

*Updating, etc.*

**14 The Constitution of General Synod: replacement of outdated terms<sup>2</sup>**

(1) The Constitution of the General Synod, as set out in Schedule 2 to the Synodical Government Measure 1969, is amended as follows.

(2) In each of Articles 3(1C), 7(4), 7(6) and 8(2), for

<sup>2</sup> Section 14 extends to the Isle of Man by virtue of section 16(8).

**Measure as enacted**

“the Prolocutor and ProProlocutor” substitute “the Chair and Vice-Chair”.

(3) In each of Articles 4(1), 5(1) and 11(3), for “the chairman” substitute “the chair”.

(4) In Article 4(1), for “the Chairman” substitute “the Chair”.

(5) In Article 7(4), for “the Prolocutor and the Pro-Prolocutor” substitute “the Chair and the Vice-Chair”.

(6) In Article 9(2)—

(a) for “a Chairman and Vice-Chairman” substitute “a Chair and ViceChair”, and

(b) omit “by this Constitution and the Standing Orders and”.

**15 Mission and Pastoral Measure 2011: correction of cross-reference**

In section 109 of the Mission and Pastoral Measure 2011 (churches etc. affected by private and local Acts), in subsection (1), for “subsection (4)” substitute “subsection (3)”.

*Final provision*

**16 Short title, commencement and extent**

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2020.

(2) This section and sections 12 to 14 (validity of lease, updating and minor correction) come into force on the day on which this Measure is passed.

(3) The other provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.

(4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.

(5) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

(6) This Measure extends to—

(a) the whole of the province of Canterbury, except the Channel Islands (subject to subsection (7)), and

(b) the whole of the province of York, except the Isle of Man (subject to subsection (8)).

(7) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them has.

(8) Section 13 extends to the Isle of Man; and if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the other provisions of this Measure extend to the Isle of Man subject to such

**As proposed to be extended to the Isle of Man**

“the Prolocutor and ProProlocutor” substitute “the Chair and Vice-Chair”.

(3) In each of Articles 4(1), 5(1) and 11(3), for “the chairman” substitute “the chair”.

(4) In Article 4(1), for “the Chairman” substitute “the Chair”.

(5) In Article 7(4), for “the Prolocutor and the Pro-Prolocutor” substitute “the Chair and the Vice-Chair”.

(6) In Article 9(2)—

(a) for “a Chairman and Vice-Chairman” substitute “a Chair and ViceChair”, and

(b) omit “by this Constitution and the Standing Orders and”.

*Final provision*

**16 Short title, commencement and extent**

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2020.

**Measure as enacted**

exceptions, adaptations or modifications as are specified in the Act or instrument.

**Schedule — Amendments to the Care of Cathedrals Rules 2006** [omitted]

**As proposed to be extended to the Isle of Man**

### Schedule 4 — Minor and consequential amendments

1. Church Act 1895	Substitutes references to West Coast PCC for German PCC, and to Public Record Office for General Registry	Consequential on Western Pastoral Scheme 2012 (SD 193/12) and Central Registry Act 2018.
2. Church Act 1969	Omits references to sequestration of profits of benefice, and assessment for dilapidations, during suspension &c of incumbent	Consequential on Ecclesiastical Offices (Terms of Service) Measure 2009
3. Marriage Act 1984	Enables a person to be married in a licensed chapel in a parish with which he or she has a 'qualifying connection'	Corresponds to C of E Marriage Measure 2008 s.1(10)
4. Church (Miscellaneous Provisions) Measure (Isle of Man) 1990	Deletes obsolete references to endowments of a benefice in Incumbents and Churchwardens (Trusts) Measure 1964	Consequential on Ecclesiastical Offices (Terms of Service) Measure 2009
5. Church Act 1992	(1) Excludes age limit for clergy engaged under a contract of employment	Corresponds to C of E (MP) M 2018 s.6(1)
	(2) Enables priest in charge to exercise incumbent's power of sale; drafting provisions	—
	(3) Simplifies procedure for approval of schemes relating to ecclesiastical charities	—
6. Patronage Measure (Isle of Man) 1997	Removes procedure for postponing action to fill vacancy in benefice for up to 3 months	Unnecessary as similar procedure introduced in Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183)
7. Church Records Measure (Isle of Man) 2000	(1) Provides for access by central Church bodies to electronic registers of services	Corresponds to C of E (MP) M 2020 s.8(2)
	(2) Enables an electronic register of services to be made available for exhibition or research	Corresponds to C of E (MP) M 2020 s.8(3)
	(3) Excludes certain articles from definition of "records"	Corresponds to C of E (MP) M 2020 s.9(1)
	(4) Redefines "registers" as including an electronic register of services and "records" as including records in adjacent buildings	Corresponds to C of E (MP) M 2020 ss.8(1) & 9(2)
8. Parochial Church Councils and Accounts Measure (Isle of Man) 2010	Updates references to other legislation	Consequential on Interpretation Act 2015 and Charities Registration and Regulation Act 2019
9. Church Offices Measure (Isle of Man) 2011	Enables an order prescribing Registrar's fees to provide for exemptions or waivers	Corresponds to C of E (MP) M 2020 s.4
10. Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012	(2) Updates name of tribunal	Consequential on Equality Act 2017
	(3)(a) Corrects reference to age limit for clergy; (b) updates reference to repealed legislation	—

	(4) Omits redundant cross-reference	—
11. Mission and Pastoral Measure (Isle of Man) 2012	(1), (3) Substitutes references to Public Record Office and Registrar General for General Registry and Chief Registrar	Consequential on Central Registry Act 2018
	(2) Corrects procedure for disposal schemes	—
	(4) Updates reference to pensions legislation	Consequential on Church of England Pensions Measure 2018
	(5) Updates references to ecumenical co-operation in relation to mission initiatives	Corresponds to Ecumenical Relations Measure 2018 s.1(5)-(8)
12. Ecclesiastical Offices (Terms of Service) (Isle of Man) Regulations 2012	(1) Updates name of tribunal	Consequential on Equality Act 2017
	(2) Omits obsolete reference to contracting-out certificates	Corresponds to C of E (MP) M 2018 s.6(9)
	(3) Substitutes reg.23 (parental leave &c)	Corresponds to C of E (MP) M 2018 s.6(10)
	(4) Revokes 2012 direction (superseded by (3))	Corresponds to C of E (MP) M 2018 s.6(11)
	(5) Validates 2012 direction	Corresponds to C of E (MP) M 2018 s.6(13)
13. Churchwardens Measure (Isle of Man) 2013	(1), (2) Alters deadlines for meeting to elect churchwardens and for taking oath of office	Consequential on Church Representation and Ministers Measure 2019
	(3) Omits redundant provisions	—
14. Church Fees Measure (Isle of Man) 2014	(1)(a) Applies parochial fees to clergy with permission to officiate; (b) excludes fees for chaplaincy duties	Corresponds to C of E (MP) M 2018 s.8(1) & (2)
	(2) Enables an order prescribing Vicar General's fees to provide for exemptions or waivers	Corresponds to C of E (MP) M 2020 s.4

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